

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF INDIAN AFFAIRS

CARES ACT TITLE VI

CORONAVIRUS RELIEF FUND

TRIBAL CONSULTATION

Washington, D.C.

Thursday, April 9, 2020

1 PARTICIPANTS:

2 Opening:

3 MARK CRUZ  
4 Deputy Assistant Secretary, Policy and Economic  
5 Development, Indian Affairs  
6 U.S. Department of Interior

7 Welcome:

8 TARA SWEENEY  
9 Assistant Secretary, Indian Affairs  
10 U.S. Department of Interior

11 DANIEL KOWALSKI  
12 Counselor to the Secretary  
13 U.S. Department of Treasury

14 Consultation Presentation:

15 TARA SWEENEY  
16 Assistant Secretary, Indian Affairs  
17 U.S. Department of Interior

18 \* \* \* \* \*

## 1 P R O C E E D I N G S

2 (1:00 p.m.)

3 OPERATOR: Welcome, and thank you for  
4 standing by. At this time all participants are in  
5 a listen-only mode until the question and answer  
6 session.

7 At that time if you would like to ask a  
8 question you may press \*1.

9 And now I'll turn the call over to Mark  
10 Cruz. You may begin, sir.

11 MR. CRUZ: Great. Good afternoon from  
12 Washington, D.C. and thank you all for joining us  
13 today.

14 Before I begin I want to start with  
15 three housekeeping items. With respect to the  
16 media and the press, this call is off the record  
17 and not intended for the press or media use, and  
18 we respectfully ask that if you are a member of  
19 the press or media that you reach out to the  
20 Interior or Treasury Offices of Public Affairs and  
21 disconnect now.

22 I also understand that many tribes, like

1 the Federal Government, are on telework status,  
2 meaning more telephone lines are being used than  
3 usual. Due to telework, work from home orders,  
4 and an increased demand for teleconference lines,  
5 we are capped on the number of available lines for  
6 use today. Therefore, if you are not an elected  
7 Tribal leader, we also ask that you respectfully  
8 disconnect now so Tribal Leaders across the  
9 country do not have issues connecting to this  
10 Consultation call.

11 While we wait for non Tribal Leaders and  
12 media to disconnect and give a moment for Tribal  
13 Leaders to dial in, I will just say the  
14 Departments of Interior and Treasury hope that you  
15 are all safe and continuing to check CDC's website  
16 for the latest information, guidelines, and  
17 resources. In addition, we hope you are also  
18 checking our website at [BIA.gov/COVID-19](http://BIA.gov/COVID-19) for  
19 additional updates relevant to Indian country.

20 To formally begin, my name is Mark Cruz  
21 and I have the privilege of serving as the Deputy  
22 Assistant Secretary for Policy and Economic

1 Development here at the U.S. Department of  
2 Interior. I'm also an enrolled member of the  
3 Klamath Tribe.

4 Today is the second of two national  
5 Tribal Consultation calls with the U.S.  
6 Departments of Interior and Treasury where we are  
7 seeking Tribal Leader input, comments, ideas, and  
8 recommendations on (1) the methodology to allocate  
9 funds to Tribal Government, as outlined in the  
10 CARES Act, and (2) Tribal specific items on  
11 expenditures incurred due to the Covid-19 public  
12 health crisis.

13 If you missed last week's Consultation  
14 call, please visit [BIA.gov/Covid-19/CARES-Act](https://BIA.gov/Covid-19/CARES-Act) to  
15 review the transcript from that session that's now  
16 posted. We will also make today's transcript  
17 available at the same website.

18 We appreciate the interest of Tribal  
19 Leaders in joining this call and that the  
20 information shared here today is very important  
21 and valuable. In honor of the United States  
22 Government to Government relationship, when it

1 comes to time for questions, we respectfully  
2 request that questions come from Tribal Leaders.  
3 If you are in the queue and not a Tribal Leader,  
4 we will have the operator mute your line and move  
5 to the next Tribal Leader.

6 Last week we had 30 Tribes speak in 150  
7 minutes. So let's do our best to keep comments  
8 and questions brief, direct, and poignant, and  
9 keep them under five minutes.

10 Additionally, a couple of other routine  
11 Tribal Consultation housekeeping items. When you  
12 are prompted by the operator to speak, please  
13 identify yourself with your name, spelling, and  
14 the Tribe you represent, and speak clearly into  
15 your phone or microphone so that all may hear you.  
16 For your awareness, we do have a court reporter on  
17 the line and everything said today during this  
18 telephonic Consultation will be recorded and  
19 become a part of the Consultation record and final  
20 transcript.

21 It is now my honor to introduce  
22 Assistant Secretary for Indian Affairs Tara

1 Sweeney and Dan Kowalski, Counselor to the  
2 Secretary of Treasury, for their welcome  
3 statements and updates.

4 Madam Secretary?

5 MS. SWEENEY: Thank you, Mark. And good  
6 afternoon and good morning to those who are on the  
7 West Coast. This is Tara Sweeney, Assistant  
8 Secretary for Indian Affairs at the U.S.  
9 Department of the Interior.

10 Since the first Consultation last  
11 Thursday, April 2, Interior and Treasury  
12 Departments have been working tirelessly to review  
13 Tribal comments, suggestions, and recommendations  
14 made in the Consultation session, as well as the  
15 comments submitted to Consultation@BIA.gov and  
16 Tribal.Consult@Treasury.gov. The Federal team  
17 understands the gravity of the deteriorating  
18 economic conditions across the country and the  
19 impacts on Tribal communities. We also understand  
20 that the growing anxiety and the tough decisions  
21 Tribal Leaders are having to make in real time.  
22 And I want you to know that we're working

1 diligently with Treasury to get this money out in  
2 a fair and transparent manner before the statutory  
3 deadline of April 26, 2020.

4 We appreciate the feedback from Tribal  
5 Leaders. At Indian Affairs we're focusing our  
6 efforts on recommendations related to qualified  
7 expenditures, allocation methodology, and specific  
8 metrics or data sets Tribes have recommended as  
9 reliable, and the most effective and efficient and  
10 accountable fund distribution mechanism. With  
11 this feedback our teams will continue to work  
12 aggressively to accommodate Tribal Leaders'  
13 thoughts and concerns.

14 I'm going to take the next couple of  
15 minutes to provide a summary of the comments that  
16 we have received today from the Consultation and  
17 through the Consultation email addresses, both at  
18 Indian Affairs and at Treasury. What we have seen  
19 with respect to the comments on impacts, Tribes  
20 have raised the issue that Tribes lack a tax base  
21 to generate revenue. There were several  
22 recommendations on swift and immediate guidance



1 and that the guidance is needed. Tribes are  
2 feeling the pressure of paying employees in the  
3 midst of an ongoing pandemic with no incoming  
4 revenues to offset the expenditures.

5 Some Tribes favor one distribution.  
6 Tribes do not favor a piecemeal approach or a  
7 grant structure, and most Tribes favor a formula  
8 approach, yet there's a diversity in the  
9 recommendations on the variables to include in  
10 that formula.

11 With respect to the methodology, weight  
12 should be given to lands in service areas with a  
13 demonstrable Covid impact or weight should also be  
14 given to the cost of transportation for supplies,  
15 people, and food in rural areas. Alaskan Tribes  
16 believe there should be a weight given to Alaskan  
17 Tribes. Tribes and Consortia with Tribal  
18 membership recommended a minimum allocation. And  
19 the recommendations ranged from \$500,000 to \$2  
20 million per Tribe. Some incorporated a minimum  
21 payment into a larger formula with other factors.  
22 The variety of the variables recommended included

1 land base, total employee numbers, total  
2 enrollment, loss of revenue, total wages,  
3 expenditure impacts, to name a few.

4           There were some Tribes that favored  
5 Indian housing block grant formula and others that  
6 opposed the NAHASDA distribution. Smaller Tribes  
7 advocate that total Tribal enrollment should not  
8 be the only factor for allocation. Comments  
9 included opposition to only using a land base as a  
10 metric because of the perceived unfairness due to  
11 the disparity of land holdings by Tribes across  
12 the country. Some suggested an equal distribution  
13 among all Tribes. Some did not favor minimums,  
14 maximums, or means testing, while others did.

15           There was an additional recommendation  
16 that approximately 80 percent should be  
17 immediately distributed via self-governance type  
18 methodology without the requirement for advance  
19 justification and then to distribute the remaining  
20 20 percent as a supplement with a justification.  
21 Some Tribes have provided Indian Affairs with  
22 information about their total employee and

1 enrollment numbers, some Tribes have provided  
2 information about their land base and  
3 expenditures. Some of the challenges with  
4 suggestions above are that they would require data  
5 calls since the information is not readily  
6 available for all Tribes. Some of the information  
7 is dates, some of it is inconsistent, and some of  
8 it is very narrow.

9           So my question to Tribal Leaders today  
10 is would your Tribes be able to respond in time so  
11 that we could assess the information so that we  
12 may inform our discussions and decisions?

13           There were several comments on the  
14 mechanism to distribute the funds. The type of  
15 feedback we've received on the mechanism include  
16 that some comments favored direct funding through  
17 their current self-governance compacts or  
18 self-determination contracts. And some  
19 recommended a direct Treasury to Tribe  
20 distribution and a recommendation for using  
21 existing Treasury accounts. Other comments  
22 suggested Tribes should be able to choose the

1 vehicle. Nearly all Tribes stated that funds  
2 should be provided directly to Tribes without  
3 going through the State using existing compacts,  
4 contracts, or AFAs, using the same mechanism as  
5 being used to provide funds to states with the  
6 option to Tribes to get funds through BIA if they  
7 choose. And, again, direct funding to Tribes  
8 without having Interior or BIA administer them  
9 because it creates some additional red tape.

10 So as you can see, the comments  
11 represent a variety of views.

12 Now, our goal in choosing a mechanism to  
13 recommend to Treasury is to choose the most  
14 efficient, accurate, and timely method. As we  
15 work through these options we may reach out to  
16 your Tribal Leadership to ensure that we have the  
17 correct financial information needed to move  
18 funding.

19 On the topic of qualifying expenditures,  
20 the type of feedback we've received on qualifying  
21 expenditures include that some of the comments  
22 indicated that they would not like to be given a

1 laundry list of expenditures which are allowable.  
2 Other comments suggested Covid-19 increased  
3 expenditures should be interpreted to include  
4 expenditures including payroll and related  
5 expenses for employees while governments or  
6 entities are at diminished capacity or closed,  
7 costs of financing to maintain the viability of  
8 both Tribal Governments and Tribally owned  
9 entities, costs incurred due to increase  
10 expenditures, expenditures that otherwise would  
11 have been funded but for loss of revenue,  
12 differences in revenues transferred to Tribal  
13 Government accounts in 2020 relative to the same  
14 period in 2019, revenue streams interrupted by  
15 Covid-Response, additional Tribal costs incurred  
16 in providing emergency relief and assistance to  
17 Tribal citizens and Tribal employees.

18 More specific expenditure categories  
19 suggested also include shut down expenses, for  
20 example, extended employer contributions for  
21 health insurance, maintenance expenses, paying  
22 skeleton crew of maintenance and security, direct

1 expenses, remediation, and decontamination,  
2 additional deep cleaning, remobilization expenses,  
3 preopening payroll costs, Tribal health clinics --  
4 an example was the loss of third- party billings  
5 and Tribal and community members' loss of health  
6 coverage that was provided by employers,  
7 construction suspension, termination -- an example  
8 there was the suspension or termination fees,  
9 costs, and damages from a planned Tribal museum  
10 and the construction that was delayed --  
11 maintaining operations through IT hardware  
12 purchases, increases in internet capacity, and  
13 data support costs to support increased telework  
14 and virtual meetings. Infrastructure projects  
15 that support response and mitigation efforts as a  
16 result of the Covid-10 include recommendations for  
17 qualified expenditures to include housing,  
18 broadband, burial assistance, which is different  
19 than the current program under the Bureau of  
20 Indian Affairs, law enforcement, detention, and  
21 safe haven facilities, transportation costs, road  
22 infrastructure, water and sewer infrastructure,

1 distance learning opportunities, Tribal offices  
2 improvements, road transportation again, and  
3 healthcare facility upgrades.

4 And we recognize that this is an  
5 imperfect process and we're carefully crafting our  
6 recommendations to meet the spirit, intent, and  
7 requirements of the CARES Act, which is to help  
8 Tribes address the unexpected cost of fighting off  
9 the Covid-19 pandemic.

10 So for Tribal Leaders on the phone, I  
11 will be issuing a Dear Tribal Leader letter no  
12 later than Monday, April 13, 2020 with conference  
13 call information related to the direct  
14 appropriation Indian Affairs received, the \$453  
15 million, and our plans for that distribution and  
16 timing.

17 And although we continue to maximize our  
18 telework flexibilities, my team at Indian Affairs  
19 continues to juggle multiple issues with critical  
20 timelines. But those conditions will not impede  
21 our ability to ensure that you have adequate  
22 information to help inform your decision making

1 process through these very, very hard times.

2 And, with that, I will turn it over to  
3 Dan Kowalski, counselor to the Secretary of  
4 Treasury.

5 Thank you.

6 MR. KOWALKSI: Thank you. Thank you,  
7 Assistant Secretary Sweeney, for the excellent  
8 summary of the comments received. I won't spend a  
9 lot of time discussing what we had talked about  
10 last week, other than to express my gratitude for  
11 your sharing the information and the thoughtful  
12 comments that we have received.

13 As far as where we are in the  
14 implementation process, I can say that here at  
15 Treasury we have thought a fair amount about the  
16 payment process and we've looked at working with  
17 BIA's existing payment processes and the statute  
18 that we have, and some of the comments received.  
19 Again, when we look at the combination of those  
20 things we do feel it is most appropriate that this  
21 be a Treasury to Tribe distribution direct. And  
22 so this will require some additional input from



1 Tribal Leaders to Treasury. We are in the process  
2 of setting up a portal for not just Tribes, but  
3 also state government and units of local  
4 government that qualify under the statute, to  
5 provide Treasury with payment information or  
6 essentially what bank account would you like your  
7 advance payment deposited into. More information  
8 about that will be forthcoming in the next couple  
9 of days.

10 I was on a call earlier today where we  
11 went through a first draft mock of that and so,  
12 you know, now it will go through a second. So  
13 we're working diligently to get that done and  
14 perhaps it can be done as soon as this weekend,  
15 but certainly no later than early next week.

16 We anticipate working with BIA through  
17 your regional reps to be able to be sure that  
18 you're able to access and use the portal. And we  
19 may have other training opportunities available as  
20 well. I would certainly welcome feedback on that  
21 today if any of the Tribal Leaders speaking today  
22 have any thoughts about that approach.

1           I think once we have that done and once  
2 we complete this Consultation process and weigh  
3 the additional comments that we will receive today  
4 and in written form -- although we do hope you get  
5 your written form in sooner rather than later --  
6 to then move more on the actual formula for  
7 distribution. I think we have somewhat determined  
8 that a formula makes sense. It's hard to do  
9 anything other than a formula in the time that's  
10 available and the statute is pretty specific about  
11 when the funds should go out. We respect that and  
12 we also think that, you know, the costs are  
13 occurring now in real time, so that, you know, you  
14 should get the funds that the Federal Government  
15 promised you as soon as we can get them out.

16           Always looking for more discussion on  
17 what's the appropriate way to balance out the  
18 competing needs and equities in that distribution  
19 formula. I very much enjoyed participating in  
20 this Consultation and this conversation last week  
21 and I look forward to the next few hours of  
22 additional conversation.

1           So, with that, back to you, Tara or  
2     Mark.

3           MR. CRUZ: Thank you, Dan. At this time  
4     we will open it up for Tribal Leaders questions,  
5     comments, ideas, suggestions. So, operator, if  
6     you can please announce the instruction for folks  
7     to ask questions and we'll stand by for the first  
8     question.

9           OPERATOR: Thank you. We will now begin  
10    the question and answer session. If you would  
11    like to ask a question, please press \*1, unmute  
12    your phone, and record your name clearly. Again,  
13    press \*1 to ask a question.

14           And one moment please for our first  
15    question. Our first question comes from Lynn  
16    Valbuena. You may ask your question, and please  
17    state the Tribe you represent.

18           MS. VALBUENA: Thank you. I have a  
19    comment and I'll keep it less than five minutes as  
20    stated. And thank you again for giving us this  
21    opportunity for the Consultation; much  
22    appreciated.

1           Again, my name is Lynn Valbuena and I'm  
2           Chairwoman of the San Manuel Band of Mission  
3           Indians in Southern California.

4           I want to urge the Secretary to make  
5           sure that any methodology or formula used to  
6           distribute the \$8 billion Tribal Relief Fund  
7           adequately considers economic impact in Tribal  
8           Nations, which is the intent of the CARES Act.  
9           California's 109 Federally-recognized Tribal  
10          Governments employ more than 53,000 workers and  
11          contribute more than \$7.8 billion to the State's  
12          economy annually. Closure of our governments and  
13          business enterprises not only impacts our Tribal  
14          communities, but they impact the entire State of  
15          California.

16          San Manuel employs nearly 5,000 team  
17          members and are one of the largest employers in  
18          San Bernardino County. We have incurred millions  
19          of dollars in increased expenditures for the month  
20          of March by keeping our 5,000 workers employed  
21          with no revenue coming in. Our costs in April  
22          continue to climb as we implement more emergency

1 measures to prevent the spread of the virus and we  
2 expect May to be as bad.

3 San Manuel joins other California Tribes  
4 and recommends using a three step formula to  
5 distribute Coronavirus relief funds.

6 Number one, provide a \$1 million  
7 distribution to each Tribe to ensure basic needs  
8 are covered.

9 Number two, distribute a \$1.5 billion on  
10 a pro rata basis to each Tribe based on enrolled  
11 member population.

12 And, number three, distribute the  
13 remaining \$6 billion on a pro rata basis to each  
14 Tribe based on the total wages paid in 2019.

15 To speed up the administrative process  
16 for allocating the funds, we believe the Secretary  
17 should have each Tribal Government submit a  
18 self-certification of their enrolled population  
19 and total wages paid in 2019. This formula would  
20 advance the economic stabilization purpose of the  
21 CARES Act and it would ensure that every Tribe  
22 gets some relief to cover some of the costs

1 directly caused by the Coronavirus pandemic.

2 Again, thank you for this opportunity  
3 for us to share the view of the San Manuel Band of  
4 Mission Indians.

5 Thank you.

6 MR. CRUZ: Thank you, Chairwoman. We  
7 appreciate those comments and specificity and hope  
8 you are doing well. Thank you for all you do for  
9 the Sherman Indian School out there in Riverside.

10 Operator, we're ready for the next  
11 caller.

12 OPERATOR: Thank you. Our next question  
13 comes from Chairman David Bean. You may ask your  
14 question and please state the Tribe you represent.

15 MR. BEAN: (Speaking in native language)  
16 David Bean, Chairman of the Puyallup Tribe of  
17 Indians in Tacoma, Washington.

18 First of all, I want to thank you folks  
19 for this opportunity to engage in Consultation  
20 with you folks. And, you know, we commented  
21 extensively last week and we will follow up with  
22 written comments, but I want to thank you folks

1 for the wonderful summary.

2 My comment will be brief this morning.

3 If land is a factor, you know, for us in the  
4 Northwest Tribes, you know, we have our  
5 reservations and then we have our U&A, our usual  
6 and accustomed areas where our people hunt, fish,  
7 and gather. And Tribes are responsible for areas  
8 beyond our reservation into our usual and  
9 accustomed areas for regulating. Those are areas  
10 are where hunters hunt, where our fisherman fish,  
11 and our gatherers gather traditional foods and  
12 medicine. And during these uncertain economic  
13 times, folks are relying on subsistence more now  
14 than ever.

15 So I just wanted to share that factor in  
16 there for consideration.

17 So thank you for the time on the floor.

18 MR. CRUZ: Thank you, Chairman.

19 Operator, we're ready for the next caller.

20 OPERATOR: Thank you. Our next question  
21 comes from Chief Kirk Francis. You may ask your  
22 question, and please state the Tribe you

1 represent.

2 MR. FRANCIS: Good afternoon, everyone.

3 This is Chief Kirk Francis from the Penobscot  
4 Indian Nation in Maine, also serving proudly as  
5 the President of the United South and Eastern  
6 Tribes.

7 I first want to thank you all for  
8 holding this call today. I want to just start off  
9 by saying that I hope everyone on this call and  
10 their families are doing well and are healthy and  
11 our thoughts and prayers are with you all during  
12 these difficult times.

13 With regards to how the \$8 billion  
14 relief fund should be distributed, I just want to  
15 provide some brief comments. I was on the call  
16 last week through the whole three hours and I  
17 don't want to be redundant, but I think it's  
18 important that we at least outline very briefly  
19 our thoughts on the distribution.

20 We also support a minimum amount for  
21 every Tribe. If the Department is struggling with  
22 how to do that, you know, and that doesn't become



1 a possibility, we think it's critically important  
2 that the Departments will have to understand that  
3 some of the smaller needier Tribes from a resource  
4 standpoint are going to need technical assistance  
5 to make sure that their data gets considered. We  
6 actually do not support the use of a formula  
7 because we don't think a formula can adequately  
8 take into account the actual unique costs and  
9 needs of every Tribal Nation. This is not, as we  
10 all know, a typical funding mechanism that can be  
11 used here that can adequately and accurately  
12 predict what we're dealing with in a very unique  
13 time.

14 So we think it should be easy enough for  
15 Tribes to submit self-certifications of their  
16 actual costs to date and estimates for the  
17 remainder of the year. Doing this is more  
18 consistent, we think, with the language in the  
19 CARES Act.

20 Penobscot Nation over the previous few  
21 days has reviewed dozens of formulas that have  
22 been circulated around. We've had our staff

1 putting input into those formulas to determine  
2 what formula -- if it's going to be a formula  
3 based approach -- would come close to our actual  
4 estimated costs and actual costs for this relief  
5 fund benefit and we do not believe -- in reviewing  
6 -- one of those proposals was sent in by the Gila  
7 River Indian Community -- it's a little more of a  
8 complicated formula, but seemed to be the most  
9 accurate in considering actual costs.

10 We do not believe Tribal population is a  
11 good factor to use for distributing the funds as  
12 well. Again, just don't think it's a good  
13 estimate for the Tribes' actual impacts. This  
14 virus is not going to discriminate against smaller  
15 Tribes and we've heard the diversity of needs  
16 already from small Alaskan Village to the horrific  
17 situation going on at Navajo Nation right now. So  
18 United South and Eastern Tribes are from Maine to  
19 Florida and Texas, represent about 5 percent of  
20 Indian Countries' population and would be  
21 disproportionately affected under that kind of a  
22 formula.

1           And if employees is a factor that is  
2       used in a formula, we also think the diversity of  
3       Indian Countries needs to be considered in  
4       assessing that. Tribes all across America are  
5       responding to this issue in a very diverse way.  
6       Some Tribes, like my one, have not laid off  
7       employees during this period of time and continue  
8       to incur costs while some Tribes have chosen to  
9       lay people off. So that needs to be considered in  
10      understanding how to truly compensate Tribes as a  
11      lot of employees might be on other taxpayer  
12      assistance programs right now outside of this  
13      fund.

14           And we also believe there needs to be a  
15      cap on the amount distributed to any one Tribe.  
16      The \$150 million we've seen floated around over  
17      the past week seems reasonable to me, but there  
18      may be reasons to have a higher cap, but we think  
19      there needs to be one to ensure that the fund is  
20      distributed fair and equitably.

21           And, you know, on behalf of United South  
22      and Eastern Tribes, we stand ready to work with

1 the Departments and to do whatever we can to get  
2 this money distributed in an expedient matter.  
3 And I want to thank everybody on the call and all  
4 the Tribal Leaders for allowing me a little bit of  
5 time to speak.

6 Thank you.

7 MR. CRUZ: Thank you, Chief Francis, and  
8 thank you for your leadership.

9 Operator, we're ready for the next  
10 caller.

11 OPERATOR: Thank you. Our next comes  
12 from Teresa Sanchez. You may ask your question.  
13 And please state the Tribe you represent.

14 MS. SANCHEZ: Hi, this is Teresa  
15 Sanchez. Good morning, everyone. I'm from the  
16 Morongo Band of Mission Indians. Thank you for  
17 this opportunity this morning.

18 While the Morongo Band of Mission  
19 Indians has provided written comments for the  
20 record, I want to talk about what I think is the  
21 fundamental issue for all of us today, jobs.  
22 Morongo employs nearly 3,000 team members, one of

1 the largest private employers in Riverside County,  
2 California, fourth largest county in both  
3 population and square miles, so our employment  
4 numbers have an impact locally, but also on the  
5 whole of the state.

6 Gaming in California contributes  
7 approximately \$20 billion in output to the  
8 California economy. In terms of payroll, Tribal  
9 gaming provides over \$9 billion. As of today,  
10 with no money coming into the casino, all of our  
11 casino's payroll expenses have now become new  
12 expenses for the Tribal Government.

13 In developing your approach to  
14 determining a formula for the distribution of the  
15 funds from the Coronavirus Relief Fund, I would  
16 respectfully ask that the Departments of Treasury  
17 and Interior lean heavily on the economic impact  
18 our compliance with the government's call for  
19 social distancing has had on our enterprises, an  
20 impact that has now translated into new costs for  
21 our Tribal Government.

22 Thank you for your time today and

1 everyone be well.

2 MR. CRUZ: Thank you. Thank you for  
3 your comments. Operator, we're ready for the next  
4 caller.

5 OPERATOR: Thank you. Our next call  
6 comes from Vivian Korthuis. You may ask your  
7 question and please state the Tribe you represent.

8 MS. KORTHUIS: Good morning. Can you  
9 hear me?

10 MR. CRUZ: Yes, we can.

11 MS. KORTHUIS: Thank you. Good  
12 morning. My name is Vivian Korthuis. I'm calling  
13 in from Bethel, Alaska. I serve as the Chief  
14 Executive Officer for the Association of Village  
15 Council Presidents.

16 I'd like to thank everyone for holding  
17 and calling in for this Consultation today. The  
18 Association of Village Council Presidents, AVCP,  
19 is the largest Tribal consortium in the Nation  
20 with 56 Federally-recognized Tribes.

21 We are a Tribally-owned nonprofit  
22 created by our member Tribes over 50 years ago to

1 provide governmental services to our entire  
2 region. Our Tribes are located in 48 villages  
3 along the Kuskokwim River, Yukon River, and Bering  
4 Sea Coast in Western Alaska along the Bering Sea.  
5 Our size is the size of the State of Washington.  
6 We are not connected to each other -- our villages  
7 -- by roads. The main transportation is snow  
8 machine, boat, or small plane. The closest  
9 hospital in our region is located in the hub of  
10 Bethel. The primary way we get to the hospital is  
11 by small plane, which may take up to an hour to  
12 fly to.

13 In rural Alaska we are facing a double  
14 emergency. The U.S. Attorney General declared a  
15 public safety emergency in rural Alaska last  
16 summer. Now we are also faced with a pandemic.  
17 On top of that, we lack transportation  
18 infrastructure and technology infrastructure.  
19 Tribes in rural Alaska have immediate needs due to  
20 Covid-19. Some of these needs are unique to  
21 living in extreme rural America. Public safety  
22 officers to support the healthcare workers and

1       enforce the stay at home mandate, is in dire need.  
2       Emergency response teams for community response to  
3       the virus, we have no EMTs, no fire departments,  
4       sometimes no public safety officers, and sometimes  
5       only one health aide located in our community. We  
6       must rely on our volunteer search and rescue  
7       groups to respond to this very fast-paced  
8       emergency and they need equipment and supplies,  
9       including personal protective equipment.

10               We also see a need in quarantined spaces  
11       in our communities. These are going to be  
12       critical in communities made up of small one to  
13       three bedroom homes with multigenerational  
14       families located in them, with up to 12 or more  
15       people living in a small space. In one-third of  
16       our villages we do not have running water. There  
17       isn't any gathering spaces, but when available,  
18       like a school gym or the Tribal office, we will  
19       need to be -- those will be set up, continuously  
20       cleaned, and supplied with basic supplies in this  
21       crisis.

22               Regarding cleaning supplies, especially



1 for the many homes that don't have running water,  
2 we need the suppliers to make waterless cleaning  
3 solutions and even things like simply having basic  
4 cleaning supplies like Clorox wipes. Those are  
5 not available in our villages. We must make  
6 improvements for sanitation, running water  
7 especially. We know Covid-19 isn't going to end  
8 in the first wave and our villages without basic  
9 sanitation requirements are extremely vulnerable.

10 As the majority of Tribal staff move  
11 from work to home, Tribes must provide internet  
12 access, phones, laptops for employees who do not  
13 have access in their homes.

14 Regarding transportation needs, the  
15 largest rural carrier in the State of Alaska  
16 grounded all their planes and declared bankruptcy  
17 recently. Tribal members need to be able to get  
18 to the hub community of Bethel for medical care,  
19 for supplies, or in case of emergency.

20 These are the reasons why Covid-19 Relief  
21 Fund is so important, and that is why we need to  
22 get these funds to Tribes right way.

1           We recommend a baseline funding of  
2       \$750,000 for all Tribes and consortiums. We want  
3       to make sure that we take into account the higher  
4       cost of living in extremely rural America. We  
5       want to get the funding out quickly, to make  
6       reporting requirements simple and clear, very  
7       broad funding, and flexible for the categories of  
8       eligible expense for the Tribes.

9           MS. SWEENEY: Thank you. Thank you,  
10       Vivian. With respect to the issues that you're  
11       raising on PPE and supplies, I would continue to  
12       recommend that you work with the Regional  
13       Director, Gene Peltola, Jr., as he continues to  
14       host weekly calls -- Tribal calls twice a week,  
15       and in those calls the Federal partners with FEMA,  
16       USDA, and IHS or HHS are included in those  
17       discussions. I would also encourage you to submit  
18       your recommendations via the Consultation@BIA.gov  
19       and at Tribal.Consult@Treasury.gov.

20           And I hope that you are well and that  
21       your region is staying safe and healthy.

22       (Speaking native language)

1 Operator, we're ready for the next call.

2 OPERATOR: Thank you. Our next one  
3 comes from Chairman Marshall Pierite. You may ask  
4 your question. And please state the Tribe you  
5 represent.

6 MR. PIERITE: Marshall Pierite, Chairman  
7 of the Tunica-Biloxi Tribe of Louisiana. My  
8 thoughts and prayers are with all the Tribal  
9 Leaders, their Nations, and all of their members.

10 I want to thank you, Madam Secretary,  
11 and the Department of Treasury for having this  
12 Consultation.

13 A little bit about Tunica-Biloxi Tribe,  
14 we had to furlough over 90 percent of our  
15 employees a little over 2 1/2 weeks ago. It is  
16 vitally important that we get the help, and the  
17 most help that we can, from the Tribal  
18 stabilization forum. We will use the dollars to  
19 put our furloughed employees back on the payroll  
20 while we continue to pay for their insurance.  
21 These funds are going to mean our very survival of  
22 our Tribe.

1 I also want y'all to consider, and I  
2 know y'all have, about the high rate of diabetes,  
3 hypertension, heart disease, asthma that is  
4 plaguing Indian Country now. So it is of utmost  
5 importance that y'all consider that factor because  
6 this is going to be an ongoing with our Tribes.

7 And when it comes to -- again, I am so  
8 thankful and I thank Indian Countries for  
9 (inaudible) with these Tribal stabilization funds.

10 And also one of the things you should  
11 really consider is the areas of the country that  
12 is hardest hit by the Covid-19. Also the  
13 stabilization fund, you have to consider the  
14 Tribes that are located in states such as  
15 Louisiana, which again has been the hardest hit.

16 And also it should be a minimum and a  
17 maximum that is considered as well. A loss of  
18 revenue should be considered and a loss of  
19 employees. It is important that y'all consider  
20 all of these factors.

21 I do know y'all have a hard job, task to  
22 take on. And I'm not going to take more of your

1 time, but I just wanted to say that Tunica-Biloxi  
2 and Indian Country appreciate everything y'all are  
3 doing and please consider all of those things when  
4 making this formula.

5 Thank you, God bless you.

6 MR. CRUZ: Thank you, Chairman. Thank  
7 you for those kind words.

8 Dan, do you have anything to offer?

9 MR. KOWALSKI: No, I have no questions  
10 for the speaker. Thank you.

11 MR. CRUZ: All right. Operator, we're  
12 ready for the next caller. Operator?

13 OPERATOR: I apologize, I had my mute  
14 on. The next is from Shawn Yanity. You may ask  
15 your question. Your line is open. Please state  
16 the Tribe you represent.

17 MR. YANITY: Good morning, everybody.  
18 Thank you, Madam Secretary, Department of  
19 Treasury, and all for giving us this opportunity  
20 to make comments.

21 My name is Shawn Yanity. I'm the  
22 Chairman of the Stillaguamish Tribe here in

1     Arlington, Washington. The Stillaguamish Tribe is  
2     a small tribe, though under this crisis we face  
3     the same challenges economically as the larger  
4     tribes and other Tribal communities. Right now we  
5     have several of our employees that are on the  
6     payroll but they're not currently working.

7             We urge that the methodology used to  
8     distribute the Coronavirus Relief Fund based on  
9     economic impact of the Coronavirus. To do this,  
10    it is our recommendation that the proxy for  
11    economic impact due to Covid-19 is the number of  
12    employees for a given Tribe and its enterprises  
13    directly prior to the pandemic. Employee numbers  
14    are relatively easy to ascertain and the  
15    Department of Interior could request that each  
16    Tribe certify how many employees they have. We  
17    recommend that at least \$6 million of the \$8  
18    billion fund be distributed based on economic  
19    factors. We also request that every Tribe  
20    receives \$2 million.

21             We urge the Secretary to broadly  
22    interpret the CARES Act so to provide relief for

1 Tribes and their citizens suffering from business  
2 closures due to Covid-19.

3 As you are aware, the Tribes lack a  
4 sufficient tax base for essential governmental  
5 services that supports everything from childcare,  
6 elder care, our natural resources departments,  
7 courts, police, et cetera. We rely heavily on  
8 these Tribal business to cure those resources for  
9 essential government services. The CARES Act, by  
10 its own terms, is intended to provide relief for  
11 the consequences of mass economic disruption for  
12 all American Indian Tribes. We specifically ask  
13 that the \$8 billion funds referenced are  
14 appropriated directly to making payments to the  
15 Tribal Governments and not through the state.

16 When the Coronavirus hit, the  
17 Stillaguamish Tribe and many other Tribes across  
18 the country acted responsibly, even though we  
19 understood what it meant for our people in our  
20 community, as well as our departments. We know  
21 without a tax base our economic enterprises are  
22 the lifeline to provide essential services. We

1 ask the Secretary to interpret the language in a  
2 fair and equitable way so small Tribes and small  
3 land based Tribes are not left out. Our economic  
4 impacts are just as equally great to our community  
5 as others.

6 And we understand that you are in a very  
7 tough spot to be able to amend a rule that fits  
8 for everyone and we just appreciate your time and  
9 this effort.

10 Thank you.

11 MR. KOWALSKI: Thank you. Actually,  
12 I'll ask one question if I may. This is Dan from  
13 Treasury. You mentioned in employees and a  
14 previous speaker talked about wages. Can you  
15 weigh out the relative merits of the two  
16 indicators?

17 MR. YANITY: Yeah. When you look at the  
18 amount of employees that we have, the impacts that  
19 come with that are you have extra costs in  
20 unemployment, you have extra costs in providing  
21 payment to their positions where we're not getting  
22 anything in return for it, no services going back



1 to the Tribal Government, you have in some cases  
2 some places like the Casino or other departments  
3 where we have to lay somebody off, there's re  
4 start costs if they come back, if they're laid off  
5 to do background checks, administrative costs to  
6 rehire, et cetera.

7 MR. KOWALSKI: Okay, thank you.

8 MR. YANITY: Thank you.

9 MR. CRUZ: Thank you, Chairman.

10 Appreciate the comments.

11 Operator, we're ready for our next  
12 caller.

13 OPERATOR: Thank you. Chairman Leo  
14 Sisco. Your line is open and please state the  
15 Tribe you represent.

16 MR. CRUZ: Hi, Chairman. Are you on  
17 mute?

18 MS. SWEENEY: Did you say Leo Sisco?

19 MR. CRUZ: Yes.

20 MS. SWEENEY: Okay.

21 MR. JEFF: Okay. Good morning,  
22 everybody. Leo Sisco, our chairman, is out right

1 now, so this is Robert Jeff, the Vice Chairman.

2 We want to thank you for allowing us to  
3 comment this morning. Our prayers are out to each  
4 and every one of you and your families and your  
5 communities.

6 And this is Santa Rose Rancheria  
7 Tachi-Yokut Tribe from Central California.

8 In regards to your distribution, we are  
9 recommending a direct distribution from Treasury,  
10 no formula, no funding through compacts or 638  
11 contracts. Funding requests should be based on  
12 direct Tribal costs due to Covid-19. This  
13 includes payroll, payments to Tribal members,  
14 healthcare premiums, maintenance costs,  
15 infrastructure costs, security costs, and all  
16 other Covid-19 related costs associated with both  
17 Tribal Government and Tribal enterprises currently  
18 closed due to this pandemic.

19 You are running out of time in  
20 developing your plan for distribution.

21 And we just thank you today for allowing  
22 us to comment. Thank you.

1 MR. CRUZ: Thank you, Vice Chairman.  
2 Operator, we're ready for the next caller.

3 OPERATOR: Thank you. Chief Victor  
4 Joseph, your line is open. And please state the  
5 Tribe you represent.

6 MR. JOSEPH: Thank you. Chief Victor  
7 Joseph. I represent 42 members, 37  
8 Federally-recognized Tribes in interior Alaska.

9 It's an honor and a privilege to provide  
10 comments on the \$8 billion Tribal Government set  
11 aside, including the Title VI of the CARE relief  
12 fund and to assist the Department in the  
13 development of fair, equitable, transparent  
14 distribution of Tribes in this great Nation.

15 Alaskan Tribes are challenged  
16 geographically, logistically, and financially.  
17 Interior Alaskan Villages are located in an area  
18 about the size of Texas with villages located on  
19 main waterways, far separate from urban centers,  
20 mostly accessible only by boat, snow machine, or  
21 airplane.

22 As the business community moves on line,

1 it is a stark contrast for our Tribes that have  
2 internet connections that do not allow for  
3 meaningful interactions with the government, the  
4 economy, educations systems, and news coverage The  
5 common guidance of hand washing is not applicable  
6 to the villages that live without running water  
7 because of the lack of infrastructure or the lack  
8 of money to maintain the necessary water and sewer  
9 systems.

10 Alaska villages face and extreme housing  
11 shortage, resulting in multiple generations of  
12 large extended families living under one roof,  
13 often in a few rooms. Tribal Governments are now  
14 planning for the necessary construction of  
15 quarantine quarters. Law enforcement is often  
16 nonexistent in the communities that have some of  
17 the highest substance abuse and crime rates in the  
18 Nation. Tribal Governments are now forced to hire  
19 untrained public safety officers to enforce  
20 Covid-19 prevention travel bans, increased alcohol  
21 restrictions, and to limit transmission of the  
22 virus. The funding for these hires are not

1       guaranteed. Food security in rural Alaska is  
2       already in jeopardy as the state and Federal  
3       governments manage Tribal traditional lands and do  
4       not adequately account for Alaska Native hunting  
5       and fishing needs.

6                 With the closure of rural airlines  
7       Tribal Governments must organize and fund the  
8       purchase and transportation of groceries for their  
9       Tribal members throughout this pandemic.

10                In sum, the Covid-19 crisis exacerbates  
11       the already drastic disparities faced by Alaskan  
12       Tribal Governments. Methodology should prioritize  
13       small and needy Tribes on basic infrastructure  
14       needed to prevent, mitigate, and respond to  
15       Covid-19. The large majority of Tribes in Alaska  
16       fit the small and needy BIA category. Small  
17       tribes lack the basic and fundamental  
18       infrastructures necessary to prevent, mitigate,  
19       and respond to Covid-19.

20                TCC requests that the methodologies  
21       implemented by the Treasury fairly distributes the  
22       Tribal set aside, prioritizing small and needy

1 Tribes first by providing the funding allocation  
2 necessary to address the basic infrastructure  
3 needs to adequately prevent, mitigate, and respond  
4 to Covid-19.

5 Only once the basic needs of Tribal  
6 communities are met, will the country be able to  
7 truly stop the spread and transmission of the  
8 virus, limits death in the Native Americans and  
9 Alaska Native people caused by this virus.

10 Every Tribe in Alaska needs assurance a  
11 minimal amount of not less than \$750,000 of  
12 assistance will be provided to say if they're  
13 allowed to continue expenses, prevention, and  
14 mitigation measures, which will save millions of  
15 dollars and save hundreds of lives.

16 We request that this allocation be done  
17 swiftly without application and distributed to  
18 every Tribe so that Tribal Governments will be  
19 able to continue to take immediate action.

20 Overall, the broadest possible  
21 interpretation of the CARES statute to allow the  
22 Tribe to determine their own needs and apply

1 self-governance principles, like infrastructure,  
2 making sure water and housing and food storage,  
3 medical storage, quarantine facilities, medical  
4 facilities, airports, terminal, garages,  
5 broadband, building improvements that allow their  
6 dedication to continue operations in the office,  
7 necessary reconfiguring office to allow staff to  
8 work as necessary and with adequate social  
9 distancing. In addition to that, business  
10 expenses, education, public safety, and  
11 transportation costs.

12 Tanana Chief Conference's requested  
13 distribution is provided through existing funding  
14 agreements under the authority of IHS and BIA's  
15 638 compacts and contracts. We ask that there be  
16 minimal reporting requirements and allowing for  
17 self-certification. If allocations occur through  
18 the 638 compacts, Tribes will be accountable for  
19 their own audits.

20 There should be an allocation  
21 methodology that limits qualified expenses. We  
22 understand there must be a list of actual expenses

1 by certainty, like transportation, infrastructure,  
2 payroll, et cetera, but we request that the list  
3 is not exclusive so that the Tribes have the  
4 authority to tailor this to the specific  
5 situations. Obligated expenses should be  
6 considered incurred expenses. TCC requests the  
7 Department interprets the statute language of  
8 Title IV(d), bills, expenditures incurred through  
9 the public health emergency with respect to  
10 Covid-19 incurred during the period that begins  
11 March 1, 2020 and ends December 30, 2020 in the  
12 broadest sense, to include expenditures obligated.

13 The Covid-19 pandemic has yet to impact  
14 most of rural Alaska, including rural Alaskan  
15 Tribes, are actively working to prevent the spread  
16 of Covid-19. But as it has delayed impact our  
17 Tribes have also expenses past December 30. We  
18 ask that the Department interpret incurred to  
19 include obligated.

20 I want to thank you for the  
21 consideration and time today.

22 Secretary Sweeney, you asked a question



1 early on, if you needed to contact our Tribes  
2 would we be able to respond. I'd like to respond  
3 to that. We would work closely with you and get  
4 all the information that you need and which was  
5 required.

6 So I wanted to once again thank you.

7 MS. SWEENEY: (Speaking native language)  
8 Thank you.

9 MR. CRUZ: Great. Thank you, Chief.  
10 Operator, we're ready for the next caller.

11 OPERATOR: Thank you. Chief Yems  
12 (phonetic), your line is open Please state the  
13 Tribe you represent.

14 MR. CRUZ: Chief, are you on mute?

15 OPERATOR: Chief Yems? They are not  
16 responding. Would you like me to go onto the next  
17 one?

18 MR. CRUZ: Yes, let's go to the next  
19 caller and if they call back in, please put them  
20 on the phone.

21 OPERATOR: Certainly. Thank you.  
22 Melanie Benjamin, your line is open. Please state

1 the Tribe you represent.

2 MS. BENJAMIN: Good afternoon. Melanie  
3 Benjamin, Mille Lacs Band of Ojibwe in Minnesota.  
4 And thank you for the opportunity to provide  
5 comments. And I do want to mention that we have  
6 submitted our written comments as well.

7 And a couple of items that I wanted to  
8 talk about, which will stay within the timeframe,  
9 is that when we look at what Covid-19 is doing in  
10 the State of Minnesota and also for the Mille Lacs  
11 Band, that the impacts are crushing our budget and  
12 sending us into a huge deficit, and in the  
13 workforce cost, our largest expenditures, where  
14 the Covid-19 pandemic is inflicting the heaviest  
15 pain. So when we look at the methodology, what  
16 we're looking at is workforce share. And we  
17 believe that that's what should be used and it's  
18 the most reliable and it's the most available  
19 factor for us to use.

20 And then also another topic that I  
21 wanted to mention too is that I am also the  
22 Secretary of NAFOA and so I've been on many calls

1 with NAFOA and support that initiative as well.

2 But another issue is through the  
3 Minnesota Chippewa Tribe that lists the six Bands,  
4 we are concerned that each of the sovereign  
5 nations that comprise of the Minnesota Chippewa  
6 Tribe are being grouped in as one Tribe. So we  
7 want to make sure that that is looked at as we go  
8 forward and not to classify us as one Tribe when  
9 in reality we are six independent sovereign  
10 nations.

11 So when I think about this Covid-19,  
12 that all of these costs that we're experiencing  
13 without the revenue that's coming in, that we  
14 cannot continue to sustain the cost. And when I  
15 look at the State of Minnesota, at the Tribal  
16 businesses, we rank about tenth and we have over  
17 16,000 employees across the State. So you can see  
18 how that is having such a huge impact on us as  
19 these business entities.

20 So I want to keep my comments short and  
21 I want to say (speaking native language), thank  
22 you for listening and also I want to send out

1 blessing for everyone to stay safe.

2 (Speaking native language)

3 MR. CRUZ: Thank you, Chairwoman.

4 Appreciate the comments and feedback. We are in  
5 receipt of your letter identifying that issue and  
6 our staff is working diligently to address that.  
7 So please rest assured that it has been noted  
8 amongst Indian Affairs.

9 For those on the lines, it's now 2:00  
10 p.m. We are now one hour into our three hour  
11 session.

12 Operator, for those who want to ask  
13 questions, can you please remind them of the  
14 instructions? And we are ready for the next  
15 caller?

16 OPERATOR: Press \*1, unmute your line,  
17 and record your name clearly to ask a question.

18 The next one comes from Martin Harvier.  
19 Your line is open. And please state the Tribe you  
20 represent.

21 MR. HARVIER: Hello and good afternoon,  
22 Assistant Secretary Sweeney and Mr. Kowalksi.

1           My name is Martin Harvier. I am the  
2           President of the Salt River Pima-Maricopa Indian  
3           Community from the Phoenix Metro Area in the State  
4           of Arizona. I'm joined this morning with our Vice  
5           President Ricardo Leonard.

6           We want to thank you for holding this  
7           second Consultation with Tribal Leaders on the  
8           implementation of the Tribal stabilization funds.  
9           In this difficult time we are going through we  
10          appreciate the efforts of Congress and the  
11          Administration to begin to address the significant  
12          needs that exist in Indian Country. I will keep  
13          my remarks brief, as we are going to be providing  
14          more detail in our written comments.

15          First, our community supports the work  
16          that is being done by the national Congress of  
17          American Indians, the Native American Financial  
18          Officers Association, and other Tribal  
19          organizations to communicate with you on how best  
20          to administer the Tribal stabilization funds.

21          As Tribal Leaders have noted previously,  
22          there is such a diversity of expenditures due to

1 the impact of this public health crisis. So I  
2 want to encourage your Departments to consider  
3 broad categories for what qualifies as an eligible  
4 use of funds.

5 I know that we are doing our part in our  
6 communities to be safe, but we are doing so at a  
7 significant cost. Second, the community supports  
8 the statement of congressional intent and the  
9 congressional record of Arizona Congressman Ruben  
10 Gallego, that says in part, and I quote, "I want  
11 to memorialize that it is the intent of this  
12 chamber that the funds of the Coronavirus Relief  
13 Funds are intended to help cover the loss of  
14 revenues that would have otherwise been collected  
15 and generated by these governments to cover the  
16 wages of their employees." Specifically for our  
17 community, there are thousands of employees that  
18 are drivers of revenue that is required to provide  
19 services to our membership throughout our  
20 reservation. Today, with our government services  
21 now idle and revenue from Tribal enterprises  
22 nonexistent, there is a significant burden to keep

1 all of our employees employed until they are able  
2 to return to some sense of normal.

3 This is why we believe, consistent with  
4 the Congressman's statement, that Treasury and the  
5 Department of Interior should allocate funds  
6 primarily based on economic output and the actual  
7 expenditures we will need to support our  
8 government and the government-owned business  
9 activity. This would include cable and related  
10 expense. We believe the appropriate tool that  
11 could be used for this purpose is the IRS Form  
12 941, which is an employer's quarterly Federal tax  
13 return. I am told this is a document that all  
14 Tribes are required to file.

15 We do know there is an urgency to  
16 deliver funding throughout Indian Country and we  
17 fully support that goal. Whether you decide to  
18 allocate funding using a simple application for  
19 Tribes to submit to the Treasury, or through other  
20 mechanisms, we hope you consider our  
21 recommendations. It is clear today there are  
22 immediate but measurable impacts to all Tribal

1 communities and we would hope you will use the  
2 most relevant data in your allocation process.

3 So, in closing, I do not envy the task  
4 that is before you to develop a work frame for  
5 this stabilization fund, but please know that you  
6 have a resource in the Salt River Indian Community  
7 if you have any questions. And, yes, we are able  
8 to respond and to provide any information that is  
9 requested.

10 And as a Tribal Leader, we want to offer  
11 our prayer and blessing to all that are out there  
12 in Indian Country. Blessings.

13 Thank you.

14 MR. CRUZ: Thank you, President Harvier,  
15 for those comments. Really appreciate it. Very  
16 thoughtful and constructive.

17 Operator, we're ready for the next  
18 caller.

19 OPERATOR: Thank you. And Robert McGee,  
20 your line is open. And please state the Tribe you  
21 represent.

22 MR. MCGEE: Thank you. Good afternoon,



1 this is Robert McGee, Vice Chairman of the Poarch  
2 Band of Creek Indians, I'd like to say the only  
3 Federally-recognized Tribe, one of the largest  
4 employers in the State of Alabama. On behalf of  
5 our Tribal Chair and Tribal Council, I just wanted  
6 to say thank you for having these Consultations  
7 during this unprecedented time.

8 Thank you to Assistant Secretary Sweeney  
9 for going through the comments that have been  
10 submitted thus far. And the Poarch Band of Creek  
11 Indians submitted comments last week and yesterday  
12 prior to doing this call this morning. No Tribe,  
13 not matter the population size or economy has  
14 escaped the impacts of the virus. So we support a  
15 base allocation of the \$8 billion to each Tribe to  
16 address the impacts of the Coronavirus on their  
17 community's health and economy.

18 However, to follow the intent and text  
19 of the law, the majority of the relief fund for  
20 Tribal Governments must be based on a Tribe's and  
21 Tribally-owned entities' increased expenditures  
22 relative to the fiscal year 2019 expenditures.

1 The largest expenses we all face are payroll and  
2 wages. And the House of Representatives' colloquy  
3 strongly supported the use of the fund to retain  
4 employees. As mentioned earlier, that can be done  
5 through IRS Form 941 and 944 submissions.

6 Just as important to your decisions on  
7 use of funds are crucial, last week you noted that  
8 the use of funds guidance will apply to Tribal,  
9 State, and local governments alike. However, the  
10 allocation provisions are much different. State  
11 and local government allocations don't consider  
12 increased expenditures for government-owned  
13 entities. The Tribal allocation does both. So  
14 any guidance must be broad enough to encompass the  
15 unique aspects of the Tribal allocation provisions  
16 at (c) (7).

17 Finally, we urge you to broadly define  
18 the term "necessary expenditure incurred due to  
19 the Coronavirus" to including meeting payroll and  
20 related employment expenses and the cost of  
21 financing, including debt servicing and related  
22 expenses to ensure that our Tribally-owned

1 entities pull through the closures to provide jobs  
2 for employees to return to when we defeat the  
3 pandemic. Our employees are the backbone of our  
4 government enterprises which fund our community  
5 programs and services.

6 While we kept over 7,000 on payroll  
7 since March 15, considered by the Poarch Band of  
8 Creek Indians and others as a necessary  
9 expenditure so our employees and people can remain  
10 safe at home doing their part to flatten the  
11 curve. With that said, we face immediate  
12 decisions that can't wait until April 24. So I  
13 have one question, will you please provide some  
14 initial guidance on the use of funds provisions,  
15 and it will include payroll and financing for our  
16 Tribal-owned entities.

17 (Speaking native language) and god  
18 bless you.

19 MR. CRUZ: Thank you, Vice Chairman  
20 McGee.

21 MS. SWEENEY: Yeah, good afternoon, this  
22 is Assistant Secretary Sweeney.

1           You've raised some very good points and  
2           your question about guidance is something that we  
3           continue to see in the comments as a common thread  
4           that Indian Country and Alaska Native Villages are  
5           looking for. And you have Indian Affairs'  
6           commitment that we're going to continue to work  
7           with Treasury on what that may look like.

8           MR. MCGEE: Thank you. It's just, like  
9           I said, April 24 is quite a while and we still  
10          have probably what, almost two weeks. You know,  
11          another payroll going around and such. We need to  
12          make decisions as much as, you know, possible to  
13          figure out what it is -- you know, what are the  
14          next steps that we need to take.

15          But thank you.

16          MS. SWEENEY: Thank you. And one thing  
17          that I would like to just point out to those on  
18          the call is there are other provisions in the  
19          CARES Act that Tribes may be eligible for,  
20          especially with respect to the provisions that  
21          were just mentioned. Take a look at Title II  
22          there may be opportunities there for your finance

1 folks to talk a look at to see how you can capture  
2 some additional dollars even outside of this \$8  
3 billion set aside.

4 MR. MCGEE: Yes, ma'am, thank you. And  
5 we have been diligently, you know, trying to  
6 submit those applications and such, but, you know,  
7 one thing about that is the PPP is only under 500  
8 employees. But we are doing our best to go after  
9 anything that's possible that we can to recoup  
10 some of our losses, especially when it comes to  
11 these necessary expenditures.

12 MR. CRUZ: Absolutely. Thank you, sir.  
13 Operator, we're ready for our next caller.

14 OPERATOR: Thank you. The next  
15 questions comes from Jake Wells. Please announce  
16 your Tribe.

17 MR. WELLS: Good morning and good  
18 afternoon. My name is Jake Well, representing the  
19 Noorvik Native Community located in Northwest  
20 Alaska.

21 It is an honor to provide comments today  
22 in this time sensitive Consultation call regarding

1 this vital funding for Tribes. All Tribes are  
2 facing Covid-19 crises and all Tribes need  
3 baseline funding to support our Covid-19 response.  
4 And it should not be competitive or pit Tribes  
5 against one another. We request a minimum level  
6 of funding for each Tribe, similar to how each  
7 state government will receive a floor amount of  
8 funding.

9 This methodology would ensure that each  
10 Tribe would receive a baseline amount of \$1  
11 million per factor, such as Tribal membership  
12 population, economic drivers and conditions,  
13 health morbidity, and housing disparities, to name  
14 a few. With a \$1 million minimum amount plus  
15 factors for each Tribe, Treasury could operate  
16 under the assumption that every Tribe will incur  
17 at least \$1 million in costs associated with  
18 Covid- 19. We anticipate that if this continues  
19 we will see the need for additional congressional  
20 appropriations to combat this deadly virus.

21 In our village we are having to create  
22 and start a first responders' team, triage, and

1 emergency clinic center, law and control  
2 enforcement teams, and a Covid-19 policy and  
3 response team, to name a few of the resources and  
4 efforts we need and do to prevent and/or abate its  
5 potential effects on our community and members.  
6 These are needed resources to ensure the virus is  
7 not a threat to our community and membership. The  
8 cost of providing this minimum to all 574  
9 Federally-recognized Tribes would be \$574 million,  
10 using roughly \$7.426 billion for Tribes with  
11 larger than \$1 million in claims. The \$1 million  
12 is just a lowball number as a start for Alaska  
13 Tribes. We think higher heating, travel, food and  
14 commodities costs. In addition we think high  
15 unemployment populations that need and rely on  
16 Tribal resources for their daily existence.

17 Just recently a major airline that  
18 served most of rural Alaska filed for bankruptcy  
19 and we are positive that passenger cost will  
20 definitely increase for at least 80-90 percent of  
21 Alaska Tribes. Again, the potential benefits of a  
22 minimum Tribe include easing the burden on

1 Treasury of processing 574 separate applications.  
2 If Tribes would claim \$1 million or less, would  
3 not need to submit a claim. Tribes with more than  
4 \$1 million in claims could still submit an  
5 application.

6 All Tribes would receive some funding  
7 and those under the \$1 million threshold will not  
8 be burdened with creating an application or  
9 possibly missing the deadline to apply while they  
10 are engaged in active efforts to protect their  
11 communities. Tribes with the least amount of  
12 resources to submit a claim will receive some  
13 funding. In addition, we request the reporting  
14 requirements for the minimum funding is also  
15 minimal. Small Tribes do not have the grant  
16 writers to submit lengthy applications or reports  
17 on the funds. Grant reports for the minimum  
18 funding should be a simple narrative. The audit  
19 requirements in the funding mechanisms will  
20 provide the oversight.

21 Thank you very much for your time and we  
22 thank you for helping us to process this very



1 important need for immediate funding that should  
2 go out to the Tribes as soon as possible.

3 Thank you.

4 MR. CRUZ: Thank you, sir. Thank you  
5 for those comments.

6 Operator, we're ready for the next  
7 caller.

8 OPERATOR: Thank you. Chairman Rodney  
9 Butler. If you could please announce your Tribe.  
10 Thank you.

11 MR. BUTLER: (Speaking native language)  
12 Rodney Butler. I am Chairman of the Mashantucket  
13 Pequot Tribal Nation.

14 First, I'd like to thank you, Assistant  
15 Secretary Sweeney, Assistant Secretary Cruz, and  
16 Counselor Kowalski for your efforts to ensure  
17 Indian County receives the critical funding needed  
18 to respond to the impact of the Coronavirus  
19 pandemic. I'd also like to express our solidarity  
20 and support for the other Tribal Leaders on this  
21 call, and thank you for your incredible words this  
22 week and last week.

1           Undoubtedly this unprecedented event has  
2           and continue to devastate or Tribal communities  
3           and cripple our economies. Much like the  
4           Mashantucket Pequot Tribal Council, Tribal Nations  
5           across the country are working around the clock to  
6           mitigate and assess the impact of this pandemic.  
7           We're also figuring out a path forward for our  
8           Tribal Nations and Tribal enterprises. We've made  
9           incredibly difficult decisions in order to protect  
10          and preserve the health and safety of our citizens  
11          and our employees, including practicing social  
12          distancing, which goes against the nature of who  
13          we are as Native people, and closing most, if not  
14          all, of our enterprises, thereby jeopardizing our  
15          ability to provide government services to our  
16          people.

17                 As Tribal Leaders we'll continue to make  
18          many more challenging decisions in the days,  
19          weeks, and months to come, so we want you to know  
20          that we're all in this together and we'll rise up  
21          from this together.

22                 With that said, we submitted our

1 recommendations for an allocation methodology for  
2 the Coronavirus Relief Fund. Just summarizing it  
3 here, we're urging Treasury to implement a formula  
4 that is consistent with the criteria identified in  
5 the CARES Act and reflective of Congress' intent  
6 when passing the law. The CARES Act was clear and  
7 specifically states that formula should be  
8 implemented based on increased expenditures of  
9 each such Tribal Government or Tribally-owned  
10 entity of such Tribal Government relative to  
11 aggregate expenditures in the fiscal year 2019 by  
12 that Tribal Government.

13 Further, it states that the funds may be  
14 used only for costs meeting three criteria,  
15 including (1) the cost must be a necessary  
16 expenditure incurred due to the public health  
17 emergency with respect to Covid-19, (2) such costs  
18 must not have been accounted for in the budget  
19 most recently approved, and (3) such costs must be  
20 incurred between March 1 and December 30, 2020.

21 Therefore, with the overarching goal of  
22 using the fund to preserve and stimulate Tribal

1 economies, the Mashantucket Pequot Tribe proposes  
2 two components for an allocation methodology  
3 that's been touched on by many Leaders here today.  
4 A baseline amount awarded to all Tribal Nations,  
5 because this pandemic has impacted all Tribes in  
6 some way, shape, or form, and a needs based  
7 amount, awarded based on demonstrated economic  
8 impact due to Covid. This approach ensures that  
9 funding is based on what's outlined in the CARES  
10 Act specifically and will cover expenses incurred  
11 as a result of the pandemic.

12 Finally, we have significant concern  
13 with an allocation methodology that is population  
14 or land based given the complexity of Indian  
15 Country and the economic impacts that we're all  
16 facing. As my colleague and good friend,  
17 President Francis, that you said -- stated  
18 earlier, any such formula that will inaccurately  
19 reflect the severity of expenses incurred by most  
20 Tribal Nations and will inhibit our ability to  
21 effectively address the impact of this pandemic on  
22 our Nations and our enterprise.

1           We appreciate your consideration of  
2       these matters, your leadership on these efforts on  
3       behalf of Indian Country. And on behalf of the  
4       Mashantucket Pequot Tribal Nation, I say (speaking  
5       native language). Thank you and be well and stay  
6       healthy.

7           MR. CRUZ: Thank you, Chairman Butler.  
8       Appreciate your comments and feedback.

9           Operator, we're ready for the next  
10      caller.

11          OPERATOR: Yes. Our next comments come  
12      from Chairman Stuck. Please announce your Tribe.

13          MR. STUCK: This is Chairperson Stuck  
14      from the Nottawaseppi Huron Band of Potawatomi.  
15      (Inaudible).

16          MR. CRUZ: You're breaking up.

17          MR. STUCK: Can you hear me now?

18          MR. CRUZ: Yes, that's better.

19          MR. STUCK: Sorry about that. I hope  
20      that this call finds everybody, family, home  
21      healthy and well on behalf of the great Nation of  
22      the Nottawaseppi Huron Band of the Potawatomi, our

1 elders and veterans. It is an unfortunate time,  
2 our cause for this call, but it is an honor to be  
3 on the call with such great people to put our  
4 heads together to come up with solutions to this  
5 pandemic.

6 First of all, with our casino and the  
7 Tribe, we've been providing full wages and  
8 salaries and benefits for the continuation for  
9 full furloughed employees directly affected by  
10 business, offices, and closures. Those that are  
11 unable to telework are employees that are  
12 considered essential, we've kept them on the  
13 payroll. If the NHBP and our casino are unable to  
14 continue covering payroll and the benefits for our  
15 employees at this time, the loss of payroll will  
16 impact the local economy.

17 A more recently completed economic study  
18 conducted by the Upjohn Institute for Employment  
19 Research found that our casino's economic impact  
20 in the local economy supported an additional 2,500  
21 regional jobs, \$55 million in payroll, and  
22 contributed over \$250 million to the gross

1 regional product. NHBP provides approximately \$19  
2 million and \$6 million in state and local revenue  
3 sharing payments from our gaming revenues, which  
4 support state economic development initiatives and  
5 local government services and education.

6 Firekeepers has been closed and this will have  
7 impact on the local economy.

8           Some of the recommended permitted use of  
9 relief that we are proposing -- we are very aware  
10 that significant expenses in direct response to  
11 the Covid-19 pandemic have been incurred. Those  
12 expenses include but are not limited to the  
13 continuation of payroll and benefits for employees  
14 who have been furloughed due to either business  
15 closures or social isolation mandates,  
16 continuation of health insurance and other  
17 benefits for employees who will be subject to  
18 temporary layoff, increased expenditures directly  
19 related to closing or significantly reducing  
20 operations at government and business offices, or  
21 moving staff to telework arrangements. Other  
22 expenditures for government operations and

1 services that otherwise would have been funded  
2 (inaudible) for the loss of the revenue, costs  
3 associated with suspension of construction  
4 projects we have incurred, the loss of revenues we  
5 do need that otherwise would have been transferred  
6 to Tribal Government accounts in 2020 (inaudible)  
7 period in 2019.

8 We would like emphasize that unless the  
9 Small Business Administration revises its proposed  
10 rules governing eligibility for the Paycheck  
11 Protection Program loans, a majority of Indian  
12 Tribal Governments will particularly be hit hard  
13 by the financial impact of Covid-19, in that they  
14 will be unable to access a pool of funding to  
15 cover payroll benefit cost related to business  
16 closures. While NHBP's casino enterprise would  
17 not qualify for those funds under the 500 employee  
18 limit for small business loans, a substantial  
19 number, if not a majority of Indian Tribes, will  
20 have been cut off from accessing these funds. If  
21 this is not corrected by the SBA, this will force  
22 every Tribe to look almost exclusively (inaudible)



1 allocated under Title V for nearly all Covid-19  
2 relief funding.

3           Recommended formula criteria for  
4 distribution of funds, the NHBP is aware that both  
5 Treasury and Interior officials have a preference  
6 for utilizing a simple formula or criteria for  
7 distributing these funds within Indian Country in  
8 order to expedite delivery of these critically  
9 needed funds. The NHBP urges Treasury to  
10 recognize that a one size fits all approach will  
11 inevitably result in inequities and fail to  
12 account for regional and tribal specific impacts.  
13 According to the NHBP, we do not support a formula  
14 based on a single criteria such as Tribal  
15 population. Tribal population alone will not  
16 account for the degree to which the total Tribal  
17 population depends on Tribal Government programs  
18 and services and the additional burden costs a  
19 Tribal Government may be experiencing as a result  
20 of this pandemic. We believe a blended formula  
21 that provides a guaranteed minimum amount of  
22 assistance to even those Tribes that may not have

1 the resources to prepare self-certified statements  
2 of costs while providing flexibility to account  
3 for both Tribal specific impacts and economic  
4 impacts can be implemented efficiently. While not  
5 perfect, this can provide the most equity with the  
6 greatest speed.

7 NHPB representatives have reviewed the  
8 proposal submitted by various individual Tribes  
9 and intertribal organizations and suggest that the  
10 process articulated by Gila River Indian Community  
11 provides the most equitable solution to best meet  
12 the immediate and same portion of the anticipated  
13 future needs of Tribes to respond to the economic  
14 (inaudible) in Indian Country.

15 The critical elements included in the  
16 Gila River proposal, which we believe should be  
17 adopted by Treasury, include the guaranteed  
18 minimum distribution to cover costs, expenditures,  
19 even for the Tribes without resources needed to  
20 prepare a certified application within the  
21 timeline set forth in the CARES Act, a cap on the  
22 total amount that may be allocated to any single

1 Tribe until such time as every other Tribe is able  
2 to either obtain a minimum distribution or submit  
3 its own certified application. Lastly, a formula  
4 by which each Tribe can calculate and submit  
5 request for assistance that includes consideration  
6 of population, employment numbers, and financial  
7 impact on the existing governmental operations and  
8 budgetary commitment impacted by the Covid-19  
9 pandemic of Covid-19 related closures.

10 I just want to take this time on behalf  
11 of my elders and my veterans to thank you for this  
12 time, for the Consultation. Again, I hope this  
13 finds all the Tribal Nations doing as well as they  
14 can. And please do not take these requests as any  
15 disrespect. I know we all have different wants  
16 and needs out of this process and this is just a  
17 couple of the focal points that we have submitted  
18 for comment.

19 And I want to say (speaking native  
20 language) to everybody and (speaking native  
21 language)

22 MR. CRUZ: Great. Thank you, Chairman

1 Stuck. With regards to the SBA PPP, obviously  
2 folks on the all know that that's a separate  
3 agency. However, we've heard loud and clear from  
4 Indian Country of their concerns and Assistant  
5 Secretary will weigh in as appropriate. And we  
6 thank you for your insight and comments.

7 Operator, we're ready for the next  
8 caller.

9 OPERATOR: Warren Morin, your line is  
10 open. And please state the Tribe you represent.

11 MR. MORIN: Thank you. Thank you for  
12 the opportunity. My name is Warren Morin. I'm  
13 the Mountain Gros Representative of the Fork  
14 Belknap Indian Community. We have two Tribes  
15 here, the Assiniboine and the Gros Ventre. We're  
16 a large line based Tribe. We have 675,000 acres.

17 Right now, you know, we're looking at  
18 our increased expenditures. You know, we're a  
19 poor Tribe. We have a lot of services that we're  
20 trying to provide right now to elders who are  
21 sheltering in place, delivering food, medicine,  
22 and stuff like that. And we have a curfew and a

1 shelter in place order. So we're trying to  
2 increase security and the police have been not  
3 funded at a level that it should be. And a lot of  
4 the stuff goes back to 638 contracting that were  
5 never funded at the level we should be when it  
6 comes to a lot of that kind of stuff. And the --  
7 what do you call it -- the level of police force  
8 that it takes is probably 50 percent less than  
9 what it should be.

10 And also this pandemic is going to  
11 expose problems in Indian Country for us large  
12 line based Tribes that are poor.

13 And I speak for a lot of Tribes here.  
14 We haven't had a voice in the last call. I was  
15 kind of a little frustrated. You know we have the  
16 Blackfeet, the Crow, Chippewa Cree, (inaudible)  
17 and Sioux, and several large land based Tribes in  
18 this Rocky Mountain region and we weren't given an  
19 opportunity to hear our voice.

20 But one thing I can speak for is we all  
21 live in the same conditions where  
22 multigenerational families in housing. You have a

1 dozen people living in a three bedroom house and  
2 that pandemic is going to expose that. The order  
3 they have from the CDC that their policy was to go  
4 home and isolate, you know. That's not going to  
5 work, you know, for us. Whoever is in that  
6 household is going to catch it and spread it  
7 around. Historically we don't do very well with  
8 pandemics. The small pox came through and the  
9 1918 flu. We lost up to 20,000 members. As a  
10 Tribal Leader I'm very worried about this pandemic  
11 coming through. We have a low level of  
12 healthcare. Our nearest ventilator is 200 miles  
13 away and we're unsure if we've got our share cut  
14 out to be served. My worry is that we hit an apex  
15 here, we're going to have a heck of a wreck on our  
16 hands, you know. And I worry about that. I don't  
17 want to lose anyone.

18 But we need help with a quarantine  
19 facility because, like I said, we can't send  
20 people home. We need to change that policy out  
21 here in poor third-world America here. We need to  
22 change that to where -- to a quarantine facility.

1 And we also need to have the technical assistance  
2 from the Trust Responsibility of the government to  
3 come in and help us with that. So far we've been  
4 screaming for help and we don't get anything. You  
5 know, I asked the Bureau this a couple of days ago  
6 -- the Bureau of Indian Affairs what are their  
7 roles and responsibilities. All I got was a bunch  
8 of political runaround and I didn't like that  
9 answer. You know, you need to define those roles  
10 and responsibilities for IHS and for BIA and the  
11 government, you know, how they're going to do  
12 this.

13 We're operating on thin funding,  
14 stretching it out as far as possible since we lost  
15 our enterprises, all got shut down. What little  
16 money we were getting from them were helping with  
17 some of our services. We're going to take a hit  
18 on that.

19 But, anyway, I would like to --  
20 considering your formula for large land base  
21 Tribes in rural setting with poverty, you know, we  
22 did a study in our schools here a couple of years

1       ago. We found that 35 percent of our kids are  
2       homeless, they don't have their own room, their  
3       own bed, so they're growing up sleeping on floors  
4       and on couches. And that's a real disaster here  
5       and we need to -- even after this pandemic blows  
6       by, we need help with the government, you know,  
7       for that.

8                 Also we should look at our healthcare  
9       services that were provided, the patient load, you  
10      know. We just don't have the capacity to serve  
11      everyone. And if you look at our organizational  
12      chart, because of our location, we're out in the  
13      middle of nowhere, we can't fill positions of  
14      doctors. We're down a couple of doctors, a couple  
15      of nurses, and several other positions. I think  
16      there's like 22 or 23 positions that are vacant  
17      through our organization chart, especially at a  
18      time like this when we need them the most. That's  
19      very critical.

20                If my voice sounds a little shaky and  
21      everything it's because I'm angry, you know,  
22      because of the government's failure and Trust



1 Responsibility to help us and leaving me in a bad  
2 position to where I have to answer to my people  
3 and I don't have answers to give them, you know.

4 But I appreciate the opportunity and I  
5 appreciate any help, any funding that comes our  
6 way. But I just wanted to put this out there on a  
7 national level that it's not just our Tribe. You  
8 know, you look at the Sioux in South Dakota, all  
9 us Northern Plains Tribes, we're out in the middle  
10 of nowhere, we're poor and we don't have large  
11 casinos and no money. And I was pretty angry  
12 because I think there was one call from Great  
13 Plains Tribe and zero from the Rocky Mountain  
14 region. I think these meetings you have need to  
15 be based on regions. You know, the calls to be  
16 coming in by the region or do them separately.

17 But, anyway, thank you.

18 MS. SWEENEY: Thank you. Can you repeat  
19 your name, your title, and where you're from for  
20 the record? I want to make sure that the court  
21 reporter has it accurately.

22 MR. MORIN: Yeah, my name is Warren

1 David Morin; I'm the Mountain Gros Representative  
2 from Fort Belknap Indian Community, located in  
3 Montana.

4 MS. SWEENEY: Okay, thank you.

5 MR. MORIN: Rocky Mountain Region.

6 MS. SWEENEY: I also would like to just  
7 point out that the Rocky Mountain Regional  
8 Director for BIA does host calls within the region  
9 twice a week with Tribal leadership. If there are  
10 questions or there's assistance that's needed,  
11 especially technical assistance, that is the role  
12 of the regional director during the Covid  
13 response.

14 To answer your question and to provide  
15 clarify for those on the line, the regional  
16 directors within the Bureau of Indian Affairs are  
17 there as a resource for Tribal Governments and  
18 they're there to provide technical assistance.  
19 The lead agency for Covid response is FEMA and we  
20 work through IHS and HHS. And during the calls  
21 that the regional directors host on a weekly  
22 basis, and in some instances twice weekly, we

1     strive to have our Federal partners participate on  
2     those calls so that they are available to answer  
3     these types of questions with respect to  
4     quarantining areas, PPE supplies.

5             And I would encourage all of those who  
6     are seeking additional information to check out  
7     the CDC website. You can also go to the BIA.gov  
8     website and there's a link on there for all of the  
9     information that we have that's publicly available  
10    that we've -- the information that we have  
11    communicated to Tribal Leaders from BIA, from BIE.  
12    And the information that we have posted regarding  
13    the CARES Act, as well as links to FEMA, links to  
14    IHS, links to the CDC.

15            Thank you.

16            MR. WARREN: Yeah, I just wanted to  
17    point out that FEMA -- we have to put up money to  
18    fund that on the front end of that. FEMA doesn't  
19    fund on the front of that. We don't have money  
20    for that, so. You know, usually we have to submit  
21    all our records and then get reimbursement on the  
22    backside of it, but we don't have money to fund it

1 up front in this particular incident.

2 Thank you.

3 MR. CRUZ: Thank you, sir. Operator,  
4 we're ready for the next caller.

5 OPERATOR: Thank you. Brenda Mead, your  
6 line is open. Please state the Tribe you  
7 represent.

8 MS. MEAD: Good afternoon. This is  
9 Brenda Mead, Chairman for the Coquille Indian  
10 Tribe and it's an honor to be on the line today  
11 with so many Tribal Leaders and to just say thank  
12 you for the amazing conversations that have  
13 happened and advocacy by those Tribal Leaders for  
14 their community and for their Nation.

15 I too have -- we have also put in  
16 written comments, but today I just want to just  
17 urge you decision makers here today to really  
18 think about what you've heard today from Tribal  
19 Leaders, that the need in our communities is --  
20 and impacts -- the impacts to all of us is huge.  
21 And it's different for each Tribe. And if we can  
22 do something, whatever that formula looks like,

1       that support sovereignty and determination and  
2       allows flexibility for the Tribes to identify  
3       those needs in each of their communities, because  
4       we are very different.

5               And I also would urge you to remember  
6       that a majority of the Tribes are small and medium  
7       Tribes across this Nation and that there are many  
8       different barriers we each have. For the Coquille  
9       Tribe, we are a Nation here in Western Oregon and  
10      we lived through 1954 Termination Act and we  
11      fought our way back for restoration, to be  
12      restored again, to be Federally-recognized as the  
13      Nation that has been here since time began. Every  
14      Tribe has a different history, every Tribe has had  
15      their struggles. We also struggle with separation  
16      and very productive assimilation programs here in  
17      Oregon.

18              I just would like you to think about  
19      things in a fair and equitable way, and I know  
20      that you will. I know that these are urgent needs  
21      for the Tribe and they're different. I would  
22      recommend that you consider maximizing the base

1 funding for all Tribal governments to be  
2 distributed on an equal basis, similar to what the  
3 states are.

4 I was on a call recently with the White  
5 House and heard that they understood that all of  
6 the states are sovereign and they understand the  
7 needs of their lands and their people. And for  
8 the White House to recognize the sovereignty for  
9 states, we also need them to recognize the  
10 sovereignty of the Tribes and that we know what  
11 the needs are. I would urge you to not -- please,  
12 do not make us put our people to work to report  
13 information, to be required to explain our needs  
14 or to report the number of employees we have or  
15 the costs that we've incurred and make us sit down  
16 and have to do work for this. We are doing work  
17 right now because it is impacting our Tribe and  
18 out communities.

19 The Coquille Tribe is a small Tribe, but  
20 we are the second largest employer in Coos County  
21 where our administration is located. And I would  
22 just say that again shows that we're very

1 different. Our land base is different. We are  
2 tasked to purchase our land base back and we are  
3 doing that today. But listening to the Tribes in  
4 Alaska and listening to the Tribes on the East  
5 Coast, in order to make it fair to all, that  
6 maximum base funding has got to be the priority.

7 As well I would urge you to not recreate  
8 the wheel and to make this difficult for Tribes.  
9 There are things place. Tribal side adjustments,  
10 similar to what the IHS services do to deliver  
11 funding bases. This has been happening forever  
12 and it works. And I would just urge you to think  
13 about rural and remote Tribes in some form because  
14 there are not the resources in our communities  
15 that some Tribes have.

16 Again, that's separating Tribes and I  
17 don't like to see that. I would just urge you to  
18 support our sovereignty, support our  
19 self-determination. We are self-governance  
20 Tribes. Allow us to take care of our people and  
21 to do things in our community that we need  
22 desperately right now.

1           So that's all I have to say today and I  
2           just appreciate everyone's time and attention.  
3           And to the Tribal Leaders, (speaking native  
4           language).

5           Thanks.

6           MR. CRUZ: Thank you, Chairwoman Mead.  
7           Appreciate the comments and it's always great to  
8           hear from folks back home in Oregon.

9           Operator, we're ready for the next  
10          caller.

11          OPERATOR: Thank you. Melanie Bahnke,  
12          your line is open. Please state the Tribe you  
13          represent.

14          MS. BAHNKE: (Speaking native language)  
15          I'm Melanie Bahnke and I represent Kawerak in the  
16          Bering Strait Region of Alaska, and we're a Tribal  
17          Consortium comprised of 20 Federally-recognized  
18          Tribes. Our service area is about the size of  
19          West Virginia.

20          First of all, I want to thank you for  
21          incorporating input from Tribal Leaders across the  
22          Nation as you make decisions that could literally



1 make the difference between a community's quick  
2 response and survival to the potential for being  
3 annihilated as we experienced many of our  
4 communities completely disappear and succumb 1918  
5 Spanish Flu. We do not want to repeat that.

6 Our region is especially vulnerable. We  
7 have a vulnerable population. We've got five  
8 communities without water and sewer. The State of  
9 Alaska has an annual housing assessment and our  
10 region has the most overcrowded village in the  
11 whole State of Alaska, my hometown of Savoonga,  
12 where we've got some families who sleep in shifts  
13 because they don't even have floor space. Some  
14 one bedroom houses with 27 people living in the  
15 house. Our healthcare is accessible by air to our  
16 main hospital here in Nome. We have no roads that  
17 lead into Nome other than for one village, and  
18 that road is only accessible in the summertime.

19 We also, on top of the lack of water and  
20 sewer and crowded housing, we have five villages  
21 that are listed as being in imminent danger  
22 because of erosion and extreme weather

1       circumstances.

2                   So I want to thank you for the decisions  
3       that you will be making that are going to have a  
4       very real impact on the people that we serve in  
5       our region. The recommendations that we provided,  
6       and we did submit our written recommendations,  
7       don't come lightly for us. These were very well  
8       thought out. And what we're recommending  
9       primarily is the broadest possible use with  
10      maximum flexibility, be allowed to tailor to the  
11      needs of communities. Kawerak as an organization  
12      has already been proactive as we prepare for the  
13      impact of Coronavirus.

14                  As an employer we have people working  
15      remotely. We've provided our higher education  
16      students with some resources because our  
17      universities have been shut down and we didn't  
18      want them to be stranded and become homeless at  
19      the places where they were going to college. So  
20      we are already expending real funds. We've  
21      outfitted our foster parents with internet because  
22      family visitation is no longer allowed, face to

1 face visitation with children and their families,  
2 so we're trying to allow them to have some  
3 connection for their families.

4 So allowing maximum flexibility is going  
5 to be very important. And that broad category,  
6 including infrastructure be allowable expense --  
7 as I mentioned, our lack of water and sewer and  
8 housing issues, but there are also transportation  
9 need, technology needs. And then food security  
10 issues are very real to us.

11 I have been participating in the BIA  
12 Alaska Regional Office teleconferences and am  
13 really grateful for that. We're looking at  
14 accessing USDA supplemental food for our  
15 communities with the disruption of groceries being  
16 flow out to our villages. With Ravn Air shutting  
17 down, some of our shelves are pretty bare in our  
18 village stores.

19 If not met through this CARES Act, the  
20 water and sewer, the lack of water and sewer needs  
21 to be a basic provision of future bills. This  
22 virus has brought out how glaringly far behind our

1 Native communities are when compared to the rest  
2 of the U.S. So another recommendation that we  
3 have is if not through this CARES Act, that future  
4 bills must incorporate water and sewer as a basic  
5 need for each of our communities.

6 And we also recommend that a cost of  
7 living adjustment be considered for the different  
8 geographic regions. Alaska is extremely remote  
9 and we have very real cost differentials to  
10 provide services in our region.

11 To my fellow Tribal Leaders on the call,  
12 I pray for your communities. Now is the time for  
13 us to support one another. We're all relations,  
14 we're brothers and sisters and I hope that you and  
15 your citizens remain safe. And, Tara, especially  
16 you. We're praying for you to make the right  
17 decision that will benefit our Tribal members  
18 throughout the United States.

19 Thank you.

20 MS. SWEENEY: (Speaking native language)  
21 Thank you for your comments I appreciate the  
22 sentiment and I hope that your community is safe

1 during this upcoming whaling season.

2 With that, operator, we're ready for the  
3 next called.

4 OPERATOR: Thank you. Amanda Vance,  
5 your line is open, and please state the Tribe you  
6 represent.

7 MS. VANCE: Hello, this is Amanda Vance,  
8 Tribal Chairwoman of Augustine Band of Cahuilla  
9 Indians, located in Southern California.

10 We don't have the land base or the  
11 population. Our Tribe consists of 16 members, but  
12 we employ over 500 employees.

13 We would like to recommend this three  
14 step formula that would ensure even small Tribes  
15 would not be overlooked. The minimum  
16 distribution, first step. Second step, population  
17 pro-rated. Third step would be the remainder  
18 would be specifically for economic impact.

19 And I hope everyone is safe and staying  
20 home. Thank you.

21 MR. CRUZ: Thank you.

22 MS. SWEENEY: Thank you for your

1        comments. Operator, we're ready for the next  
2        caller.

3                    OPERATOR: Thank you. And, Chairman  
4        Cromwell, your line is open and please state the  
5        Tribe you represent.

6                    MR. CROMWELL: (Speaking native  
7        language) Hi, good evening, good afternoon. This  
8        is Chairman Cromwell of the Mashpee Wampanoag  
9        Tribe.

10                   Thank you for having this call,  
11        Assistant Secretary Sweeny and Treasury. Much  
12        appreciated. Thank you to all the Tribal  
13        communities on this phone as we are family and  
14        sticking as one with this very important struggle,  
15        the crisis we're dealing with.

16                   I also want to recognize Chief Kirk  
17        Francis of USET, as well as Chairman Rodney  
18        Butler.

19                   The Mashpee Wampanoag are in a crisis.  
20        The Commonwealth of Massachusetts is one of the  
21        hardest hit in the country. Our members are  
22        testing positive and are in dire straits. We need

1 increased services, support particularly for our  
2 elders. Homelessness has significantly increased  
3 since families are torn apart by the pandemic.  
4 I've heard many Tribal leaders talk about how we  
5 as communities live with multiple generations in  
6 homes and now we're seeing increased homelessness,  
7 which is a burden and a challenge from, you know,  
8 funding and trying to find an inventory capacity  
9 for our people to be able to live safely. So we  
10 need increased operational staffing services to  
11 serve our membership as soon as possible.

12 We must provide employees PPE safety  
13 gear so that we can help. We must also offer  
14 mental health services as growing populations are  
15 suffering from drug addiction and it may worsen at  
16 this time. We need to provide safe  
17 transportation, sanitation, food supplies, and  
18 water supplies, and every service and basic need  
19 you can imagine. These basic needs must be  
20 provided during this pandemic as members cannot  
21 work and support themselves or their large  
22 families. The Tribe has no surplus to support the

1 increased needs.

2 A fair share universal payment should be  
3 issued and allow all Tribes to receive support as  
4 needs vary significantly, but still are urgent.  
5 Land base and economic factors should justify  
6 additional requests above the universal payment  
7 that should be in -- you know, an arena for 2  
8 million.

9 We will submit written comments. And  
10 thank you for your consideration.

11 Also, Assistant Secretary Sweeney, you  
12 mentioned funding from the BIA to Tribes. Just  
13 wondering how that will work as you mentioned  
14 services through PAS.

15 MS. SWEENEY: Thank you for your  
16 comments. Yes, we will be sending out a Dear  
17 Tribal Leader Letter on Monday with additional  
18 information on a separate conference call that we  
19 can -- that we will host to discuss the \$453  
20 million for BIA.

21 MR. CROMWELL: Okay, great. That's  
22 awesome. Much appreciated. But we need your



1 support. And thank you for working with us.  
2 We're getting hit by this and we're starting to  
3 see growing numbers with the pandemic hitting our  
4 Tribal members.

5 So thank you for your time. And,  
6 everyone, please be safe and take care of  
7 yourselves.

8 MS. CRUZ: Thank you, Chairman.  
9 Operator, we're ready for the next caller.

10 OPERATOR: Thank you. And Bob Peters,  
11 your line is open. Please state the Tribe you  
12 represent.

13 MR. PETERS: Good afternoon. Thank you  
14 for the opportunity to provide comment. I'm Bob  
15 Peters. I'm the Tribal Chairman for Gun Lake  
16 Tribe of Michigan.

17 I have a few comments. Treasury should  
18 allow Tribes and states to independently define  
19 the use of the funds provisions and how the funds  
20 may be spent. If Treasury is going to issue  
21 guidance the use of funds provisions must allow  
22 for CRF funding to mitigate lost revenue. Both

1 the states and Tribes are lobbying Treasury for  
2 this interpretation and we stand with the State of  
3 Michigan regarding their position on the use of  
4 funds, along with the various other Tribal  
5 Nations.

6 Lastly, we support the base line funding  
7 of \$1 million per Tribe, then the \$1.5 billion  
8 distributed pro rata based upon Tribal population.  
9 The remainder of the funds should be distributed  
10 pro rata based upon proven economic impact  
11 measured by total wages paid. And we will be  
12 willing to self-certify of this economic impact.

13 Thank you for your time. Stay safe and  
14 stay healthy, everyone.

15 MR. CRUZ: Thank you, sir. Operator,  
16 we're ready for the next caller.

17 OPERATOR: Thank you. Bryan Newland,  
18 your line is open, and please state the Tribe you  
19 represent.

20 MR. NEWLAND: Hi, good afternoon. My  
21 name is Bryan Newland. I'm the Tribal Chairperson  
22 for the Bay Mills Indian Community way up her in

1 Northern Michigan.

2 And, Dan, it's nice to hear a fellow  
3 Michigander. And I assume you're a long suffering  
4 Detroit Lions fan, just like me.

5 MR. KOWALKSI: Yes, sir. Thank you.

6 MR. NEWLAND: I have a few comments if  
7 you can bear with me.

8 I think the Treasury Department should  
9 interpret the ambiguities in the statute in favor  
10 of Tribes consistent with Federal law and policy  
11 and make sure that we all have the flexibility we  
12 need to determine our own needs. A base level of  
13 funding is important because we can't project the  
14 spread of this disease and we need to run our  
15 governments in order to have staff to incur  
16 additional expenses.

17 The statute speaks to unbudgeted costs.  
18 We didn't budget for no government revenues from  
19 our gaming facility. But at the same time we're  
20 not asking to cover our business payrolls or a  
21 casino bailout with this relief fund. The Trust  
22 Responsibility extends to Tribes and Indians and

1 not others.

2 Other parts of the CARES Act are  
3 supposed to cover those business concerns. And I  
4 will note that SBA's rush guidance on the paycheck  
5 protection program excluded Tribes like Bay Mill  
6 entirely from the paycheck protection loan  
7 program, leaving us with no choice but to put 400  
8 employees on unpaid leave status.

9 These funds should stabilize each Tribal  
10 community and they must be equitable. Indian  
11 Country could conceivably put together hundreds of  
12 billions of dollars in justification, yet we only  
13 have \$8 billion in this fund and it has to be  
14 equitably delivered between large gaming Tribes,  
15 large population Tribes, large land base Tribes,  
16 Alaskan Native communities, and rural Tribes so  
17 that everybody has what we need to run our  
18 governments and take care of our communities.

19 And, lastly, I think that these funds  
20 should come down through existing methods. As  
21 somebody said, we don't need to reinvent the wheel  
22 here. (Speaking native language)

1 MR. CRUZ: Thank you, Chairperson  
2 Newland, for the comments and appreciate your  
3 leadership and all you do.

4 Operator, we're ready for the next  
5 caller. And just noting the time, we are three  
6 minutes to 3:00 p.m., everybody. So if we can  
7 continue to keep our comments succinct, we'd  
8 greatly appreciate it, to get to as many Tribal  
9 Leaders in the waiting queue as possible.

10 Operator?

11 OPERATOR: Thank you. And Ron Allen,  
12 your line is open and please state the Tribe you  
13 represent.

14 MR. ALLEN: Good morning -- or  
15 afternoon, folks. So Ron Allen. I'm the  
16 Chairman, CEO for the Jamestown S'Klallam Tribe  
17 located in Western Washington State.

18 I spoke briefly at the last government  
19 to government Consultation last week. And thank  
20 you again for the opportunity.

21 Our Tribe is very supportive of keeping  
22 the formula or model that you use for disbursement

1 of the funds very simple. We agree with Tara's  
2 comment about trying to do this in a very  
3 efficient and timely manner. We're very  
4 restricted on amount of time.

5 We think that the youth population is a  
6 viable factor, but we like the idea that is being  
7 floated around about taking Tribal enrolled  
8 numbers and band them so that you have them in  
9 aggregate numbers so that it's easier to find a  
10 base for each band of members. For example, 1 to  
11 500, or 1 to 1,000, 1,000 to 3,000, et cetera. So  
12 it's just going to have to be some arbitrary  
13 numbers and breaks that the consideration would  
14 consider it.

15 We think that land base is factor. We  
16 agree that the ability to serve the citizens might  
17 vary from Tribe to Tribe because of their land  
18 base, but we do not want to see the small Tribes  
19 and even landless Tribes get marginalized out  
20 because of that factor. So it should be a factor  
21 but not a large factor in our opinion.

22 We agree with the idea that employees is

1 a factor, but we are concerned that you can gather  
2 that kind of data, that you would have to use one  
3 set of data. For example, the casino employees or  
4 the Tribal Governmental employees as relevant  
5 factors. So we're not sure that you can gather  
6 right kind of data for employees, even though it  
7 would be a very relevant factor to be used.

8 We like the idea that there definitely  
9 needs to be a minimum, and that's the banding idea  
10 from our perspective. But there needs to be a  
11 consideration of a cap so that a small percentage  
12 of the Tribes command the largest portion of the  
13 \$8 billion, which would be disproportionate. So  
14 there needs to be a way to control that.

15 We don't know the number. We had  
16 assumed that the Treasury and Interior are going  
17 to run models to see what happens there, to see if  
18 that kind of a factor would be considered.

19 So those are the issues that we want to  
20 raise. We do believe that these are very, very  
21 important economic relief numbers for funding to  
22 complement what we're receiving through the BIA

1 and through IHS and HUD. They are all very  
2 helpful for us to get through these trying times.

3 So those are our comments and we hope  
4 that you can make decisions. And I guess the last  
5 comment I'll make is there will not be a perfect  
6 system. There will be some outfall somehow,  
7 somewhere, some way because of just the complexity  
8 of our Tribes across the Nation.

9 Thank you.

10 MR. CRUZ: Thank you, Chairman.  
11 Appreciate your (inaudible). Operator, we're  
12 ready for the next caller.

13 OPERATOR: Thank you. And Steven Roe  
14 Lewis, your line is open and please state the  
15 Tribe you represent.

16 MR. LEWIS: (Speaking native language)  
17 This is Governor Stephen Roe Lewis of the Gila  
18 River Indian Community, Akimel O'otham and  
19 Pee-Posh people.

20 Good afternoon and thank you for holding  
21 this important Consultation today to hear from  
22 Tribal Leaders. And Tribal Leaders, you know,



1 really what we're all going through, just to hear  
2 my fellow Tribal Leaders, you know, from coast to  
3 coast, from all the up to Alaska, all the way down  
4 to our Southern borders in Louisiana, you are  
5 giving -- and I know all of us are really, you  
6 know, getting a real boost from hearing some  
7 great, eloquent, articulate Tribal Leaders from  
8 the Great Plains, all around, and from Mashpee as  
9 well.

10 And so I appreciate -- and thank you  
11 again. You know, I appreciate you holding this  
12 second Consultation.

13 I was on the call last week and it was  
14 very instructive to hear from the agencies and my  
15 fellow Tribal Leaders and gave my community a lot  
16 to think about as we developed our viewpoints on  
17 how to prepare our written comments to the  
18 Consultation.

19 Based on comments from last week and  
20 other conversations, there have been a lot of  
21 discussions about how to allocate funding to  
22 Tribal Governments. The community went back -- we

1 went back to the Act and its intent to provide  
2 relief funding for Tribal budget deficits caused  
3 by the Coronavirus. There is no formula  
4 contemplated in the Act. And it is our strong  
5 belief that we need to have a process that is need  
6 based. I will repeat, that is need based. I know  
7 that some have commented that based on the  
8 expedited timeframe to disburse the funds there  
9 isn't enough time for an application process or  
10 for Tribes to be able to provide a self-certified  
11 estimate of their individual needs, but I  
12 fundamentally disagree with that conclusion,  
13 everyone.

14 Each Tribe has all the information it  
15 needs to prepare a certified estimate of needs and  
16 we must do that, all of us. There is information  
17 that all Tribes have that is readily available and  
18 can be completed in an hour or two. And that is  
19 what the Act anticipates.

20 One, the 2019 budget, two, the Tribe's  
21 budget for FY 2020, including anticipated revenue  
22 sources to support it, and an estimate by month of

1 the deficits being caused to those Tribal budgets  
2 by increased costs and decreased revenues to  
3 support the budgets, excluding any planned savings  
4 or per capital payments. Since none of us know  
5 when we'll be able to reopen our businesses, our  
6 enterprises, we should provide an estimate that is  
7 based on reopening on May 1 as we all hope, but  
8 also by June 1, as it seems more realistic.

9 Tribes should submit this Covid-19  
10 relief estimate to Treasury with a certification  
11 that states that this is a good faith estimate on  
12 its part of what it can expend on Covid-19 costs  
13 as required under the Act. This type of estimate  
14 of needs could be easily reviewed by the agency  
15 and would also provide a realistic view of the  
16 actual needs of Indian Country.

17 This is important. We must show the  
18 actual needs of Indian Country to Congress. When  
19 we went to Congress -- and as you know, Tribal  
20 Leaders, we proposed \$20 billion for the Tribal  
21 relief fund -- we were told by our congressional  
22 representatives that we couldn't justify our

1 numbers. If we don't take the time now, and there  
2 is still time to do this within the timeframe  
3 remaining, then we will end up shortchanging  
4 Indian Country in the end because we won't be able  
5 to show that we need additional infusions of  
6 funding at a later date.

7 We also feel strongly that there should  
8 be a minimum reserve for each Tribal Nation. No  
9 one should be left behind during this crisis.  
10 That is not who we are as Indian People. I also  
11 think a cap for this round of funding would also  
12 be necessary to ensure there is enough funding to  
13 go around and to make sure all of our unique needs  
14 can be met. The fact that the House has now  
15 started a process to add additional funds for  
16 Tribes in the fund should alleviate some concerns  
17 from Tribes that a cap might leave them with  
18 insufficient funding to meet their actual needs.

19 The Community submitted comments to the  
20 agency -- on Tuesday we submitted our comments and  
21 we may submit supplemental comments based on  
22 today's Consultation.

1           Again, I want to conclude by saying I  
2     appreciate the thoughtfulness the agencies and the  
3     Tribal Leaders and the passion they are bringing  
4     to this. And the Gila River Indian Community is  
5     keeping all of Indian Country in its prayers as we  
6     go through our crisis.

7           I also want to say we strongly support  
8     our community NAFOA, their comments, but I also  
9     have a question as well to Treasury. When you  
10    talked about in your earlier comments, what is  
11    Treasury thinking about regarding the formula?  
12    Can you maybe explain that? Your thought process?

13           Thank you.

14           MR. KOWALSKI: Yeah, all I meant with  
15    respect to the formula is that is I guess we take  
16    some issue with your statement that we would be  
17    able to do a full assessment of need in the time  
18    available to us. I think the statute wants us to  
19    get funds to the Tribal communities as well as  
20    states and territories as quickly as we can. And  
21    I see that as being somewhat at odds as we sit  
22    here today on -- what is it -- the 9th of April

1 and being able to get funds out the door quickly  
2 with data that is easy to come by, relatively easy  
3 to test for reasonableness. And so that's why it  
4 seems to me that a formula becomes the most  
5 efficient way to get a fair rough justice kind of  
6 allocation and distribute it, you know, in the  
7 next two weeks.

8 MR. CRUZ: Thank you, Dan. Thank you,  
9 Governor.

10 MR. LEWIS: Thank you.

11 MR. CRUZ: You have a follow up?

12 MR. LEWIS: Just that, you know, I mean  
13 Tribes -- I think that the Tribal will is a full  
14 assessment of the needs, and we're willing to  
15 provide that. I mean we're capable governments,  
16 whether we're small Tribal Governments -- and  
17 you've heard, you know, we -- you know, we're  
18 sovereign Tribal Governments and I think we're  
19 able to at least provide, you know, what I  
20 articulated just now and we're willing, you know,  
21 to share our methodology to any Tribe who's  
22 interested.

1                   Thank you again, Miss Sweeney, Assistant  
2                   Secretary, Mr. Cruz. Thank you for everyone the  
3                   call. Thank you for at least hearing us on the  
4                   second Consultation. (Speaking native language)  
5                   Prayers to everyone.

6                   MR. CRUZ: Thank you. Thank you,  
7                   Governor. Operator, we're ready for the next  
8                   caller.

9                   OPERATOR: Thank you. Chairman Bill  
10                  Iyall, your line is open. Please state the Tribe  
11                  you represent.

12                 MR. IYALL: Good afternoon. (Speaking  
13                 native language) And my name is Bill Iyall. I'm  
14                 the Chairman of the Cowlitz Indian Tribe in  
15                 Western Washington. Sending thoughts and prayers  
16                 to all my relatives and to our Federal partners  
17                 today.

18                 It is an honor to hear the stories to  
19                 (inaudible) we're told to do is tell our story.  
20                 We support a simple allocation and even  
21                 potentially maximizing the base lending to all  
22                 Tribal Governments, maybe even up to half of the

1     \$8 billion, thinking about how to get that money  
2     out early and where it's well needed.

3             The equitable distribution would be  
4     similar to that utilized for state and local  
5     governments under Title V of the CARES Act, thus  
6     ensuring fulfillment of the Federal Trust  
7     Responsibility of all Tribes.

8             The Cowlitz Tribe has more than 1,500  
9     employees in Western Washington. We have closed  
10    our most important governmental revenue resource,  
11    the Ilani Casino, furloughing more than 1,200  
12    employees. We know that the total funding  
13    available is far less than the need, but we can  
14    see the value of also recognizing service area.  
15    We service Western Washington from Seattle all the  
16    way to Portland. And a lot of urban natives  
17    outside of our Tribe we service in our clinics.  
18    And so we have substance abuse disorder treatment  
19    for those in most need right now. So we're  
20    maximizing our services through telemed.

21             I think Tribes in hot spots are the most  
22    impacted. And certainly we were the point of



1 entry in King County, Washington State. So I  
2 think that should be an important factor as well.

3           Following distribution, the funds that  
4 are distributed should only require the Tribal  
5 Government to certify that they were used for  
6 purposed identified in Title V so that the Tribal  
7 Governments can devote their resources to disaster  
8 response rather than compliance and reporting. If  
9 the Tribal Government self-certifies, just as the  
10 state and local governments are permitted to  
11 self-certify, the certifications shouldn't be  
12 insufficient for compliance purposes, absent  
13 showing of a fraud intent.

14           It's important that we believe that the  
15 implementation aligns with guidance that's  
16 provided to you by the National Congress of  
17 American Indians and certain members of Congress  
18 that increased expenditures under the Act should  
19 be interpreted broadly. And I would refer the  
20 letter from NCAI to Secretary Mnuchin, that is  
21 March 29, 2020.

22           And, again, we send our thoughts and

1 prayers out to all our relatives and to the  
2 Federal partners.

3 Thank you.

4 MR. CRUZ: Thank you, sir. I appreciate  
5 the comments. Just noting for Tribal Leaders on  
6 the call, we would love to hear from Great Plains  
7 region, Oklahoma, New Mexico. We want to try to  
8 distribute the comments around. And I hate to be  
9 the bad guy -- if you previously spoke -- and  
10 we're trying to get to as many different Tribal  
11 leaders as possible, so let's do our best to hear  
12 from those who have not had the opportunity to  
13 speak.

14 Operator, we're ready for the next  
15 caller.

16 OPERATOR: Thank you. Don Kashevaroff,  
17 your line is open and please state the Tribe you  
18 represent.

19 MR. KASHEVAROFF: Good afternoon. Don  
20 Kashevaroff, President Seldovia Native  
21 Association, Council Member of the Seldovia  
22 Village Tribe, IRA in South Central Alaska.

1           And I want to say thank you very much  
2           for holding this Consultation.

3           And, Mr. Kowalski, congratulations on  
4           having the biggest pot of money to distribute to  
5           American Indians in -- I don't now, at least the  
6           25 years I've been around fighting for funding  
7           distributions from the government. So you have a  
8           good task on your shoulders, sir.

9           As I said, many of us have been in the  
10          fight for a long time, pushing to get the needed  
11          resources to our communities from the Federal  
12          Government, from the Trust Responsibility. Many  
13          Tribes have taken upon self-governance to try to  
14          better ourselves, take care of our own people when  
15          the Federal Government wasn't able to do that for  
16          our Tribes. My Tribe is one of those Tribes like  
17          that. It was kind of like our folks are dying,  
18          your Tribal members are saying why are they dying,  
19          we elected you and you go well, we just need to do  
20          it ourselves. And many Tribes have created  
21          industries to improve their Tribes and help their  
22          people.

1           This pandemic has caused major damage to  
2   pretty much every Tribe in this country, all the  
3   Tribes in this country, whether a Tribe is large  
4   or a Tribe is small. The larger the Tribe is, the  
5   more industries you're going to have, whether you  
6   have casinos or not or different operations. The  
7   smaller the Tribe, you might not have as many, but  
8   you also don't have the economies of scale that  
9   some of the larger Tribes have. So you're faced  
10  with higher costs, being able to provide less  
11  service to your members.

12           So having sat through IHS and Indian  
13  Health Service formula teams for a long time, I  
14  want to offer a very simple solution to your  
15  problem, Mr. Kowalski, on how to distribute the  
16  funds. When I heard that, you know, from 50  
17  percent to tribes, 50 percent upon population or  
18  land or employees, all the way down to very small  
19  amount to the Tribes and the rest on land  
20  population, number of employees, there is a lot of  
21  Tribes, there is a different idea from every one  
22  of them almost.

1           So one thing I see in my life is there  
2           are certain rules. And I'm a finance guy, so  
3           there are certain rules that kind of just work  
4           out, and one of them is the 80-20 rule. So I  
5           would propose to you that an easy way -- I know,  
6           oh, this is too easy -- but actually it comes out  
7           better for everybody more often than not. So take  
8           80 percent, divide it on population and then, you  
9           know, maybe you have to split it between what's  
10          called a large Tribe and basically say 80 percent  
11          divided upon the size of the Tribe. And that's  
12          usually a population -- some folks with no land  
13          have a huge population and vice versa. So 80  
14          percent divided on population and then 20 percent  
15          divided per Tribe. That would take care of the  
16          economies of scale that the small Tribes have, all  
17          the costs the small Tribes have, and I think it  
18          would be a good compromise, because that's what  
19          we're looking for. We have to have a compromise.  
20          And I know you have to do this very quickly.

21                 And I understand the Act, I've read it  
22          many times, that, you know, you're looking for the

1 costs that we have to bear based on Covid that  
2 weren't in our budget already.

3 But a real quick example, if I may, on  
4 some things that weren't in -- that -- for  
5 Seldovia Village Tribe we have a ferry boat that  
6 we are going to turn out here in a couple of weeks  
7 that takes our members back and forth to the road  
8 system. The other option is to fly in a small  
9 Cessna plane. So we already had this in the  
10 budget. We have the revenue coming in and the  
11 costs come in and the revenue all comes from the  
12 tourist dollars from those folks hopping on the  
13 ferry, coming over to our village, and then our  
14 members get to ride also. So tourism keeps this  
15 ferry, a fast ferry running. And we know that  
16 this summer we're not going to have those  
17 tourists, so we're going to run a deficit in the  
18 ferry.

19 Now, like I say, well, you know, you  
20 already budgeted \$350,000 to run the ferry and  
21 it's not going to cost you any more than \$350,000  
22 to run the ferry, so you don't have any loss. Or

1 under the Act it doesn't impact you. But I would  
2 say, as many said last time, and some are saying  
3 today, is that even though we might have budgeted  
4 straight across, we're all going to have a loss.  
5 Because anytime we have a tax loss, a tourism  
6 loss, some type of revenue that doesn't come to  
7 us, we have a loss.

8 I just wanted to mention that because  
9 DOI has the (inaudible). BIA released a press  
10 release from Senator Martha McSally from Arizona  
11 that Arizona's Tribal communities rely heavily on  
12 industries hardest hit by the fallout created by  
13 Covid outbreak, including tourism and hospitality.

14 So regardless of how the Act -- one  
15 could say well it doesn't cover what you budgeted  
16 for already, you have to have something extra, I  
17 would say to you that the Senators believe that  
18 those losses that we have in tourism, in hospital,  
19 the ones who are getting hit, would actually count  
20 in the language that they wrote down and they  
21 passed.

22 So, sir, I offer, you know, an 80-20

1 really simple -- too simplistic maybe, but maybe  
2 not, because some things work out that way.

3 So thank you very much for your time and  
4 best of luck.

5 MR. KOWALKSI: Thank you. I'll say I  
6 chuckled at 80-20 because for several years I  
7 worked for Senator Mike Enzi of Wyoming and his  
8 approach to legislation was his 80-20 rule. If I  
9 can get something that 80 percent of the senators  
10 would agree to, the other 20 percent would come  
11 along. And so it was his rule for legislating and  
12 I think he's been successful at it through the  
13 years.

14 I'll comment also on what -- and this is  
15 not different than what I said last week, but I  
16 think it bears repeating here -- what we are  
17 looking for is your honest and somewhat creative  
18 assessment of what is an expenditure that is  
19 higher than it would have been because of  
20 Covid-19. And I think your ferry boat example  
21 seems to fit I think more of say an employee who  
22 was doing work in one title, you know, or one job



1 title, right, that then had to start taking on a  
2 different role, more of a public safety role or a  
3 response role because of Covid-19. It's the same  
4 person and indeed they were, you know, in your  
5 budget base line, but they're doing Covid work,  
6 they're not doing their in title work. And that  
7 seems to be appropriate. And what you are  
8 suggesting with your ferry boat is you can see  
9 that in a somewhat similar light, right?

10 MR. KASHEVAROFF: Yes. I mean that's --  
11 what it comes down to is the money that we've seen  
12 -- we had to employ those -- to pay for employees  
13 we do not have any money and we won't have. So we  
14 need to -- whether we redesign their jobs or give  
15 them a new title, whatever, we still have the fact  
16 that we need to pay our employees, we need funding  
17 for it, and we can be creative when it all comes  
18 down to it.

19 But 80-20 rule works in all facets of  
20 life. So think about that.

21 Thanks.

22 MR. CRUZ: Thank you. Operator, next

1 caller.

2 OPERATOR: Thank you. Robert Miguel,  
3 your line is open. Please state the Tribe you  
4 represent.

5 MR. MIGUEL: Robert Miguel, Chairman of  
6 the Ak-Chin Indian Community, 40 miles south of  
7 Phoenix, Arizona.

8 Thank you for the Consultation and  
9 allowing me to speak on behalf of the 1,130  
10 members of the Ak-Chin Indian Community. The  
11 Ak-Chin Indian Community has a number of diverse  
12 businesses, including the Ak-Chin farms, Southern  
13 Dunes Golf Course, Ultra-Star Multi-tainment  
14 Center with movies, complete with movies and  
15 restaurants, as well as Harrah's Ak-Chin Casino.

16 All of these businesses contribute to  
17 the revenue generated and collected by our Tribal  
18 Government. Our Tribe is trying our best to keep  
19 as many of our employees on payroll during this  
20 pandemic. Currently we haven't been able -- well,  
21 we haven't laid off or furloughed any employees,  
22 so we're covering them at this time. Although

1 this has come at a significant cost to our Tribe,  
2 we made this decision because we value our  
3 employees. The reason for our success and our  
4 financial stability is due in part to these  
5 employees who actually have been with us for a  
6 number of years. And again, they're the reasons  
7 why we're successful in a number of ways. We want  
8 to do right by them and their families.

9           However, we have limited resources to  
10 continue this and any funding from the Coronavirus  
11 Relief Fund will be imperative to ensuring that we  
12 keep any furloughs or layoffs to a minimum.

13           Because of these factors, we urge you to  
14 use methodology to distribute the CRF that is  
15 based on the economic impact of the Coronavirus.  
16 We recommend the best proxy for economic impact  
17 due to Covid-19 is to use the number of employees  
18 for a given Tribe and its enterprise directly  
19 prior to the pandemic. Employee numbers are  
20 relatively easy to ascertain and DOI could request  
21 that each Tribe certify how many employees they  
22 have.

1           At this time we would respectfully  
2     request that funding distributing should be made  
3     through the Department of Interior  
4     self-governance, compact and 638 contract funding  
5     agreement, if a Tribal Government chooses these  
6     methods of payment.

7           Again, I know we all are in a dilemma  
8     because of the virus and we're doing what we can  
9     respectively for our Tribes to continue our way of  
10    life. We appreciate, again, the opportunity to  
11    speak. And our thoughts and prayers are always  
12    with all the Tribes through this dilemma. And I  
13    know we'll stay united and we'll continue to work  
14    together. And, you know, again, we have faith in  
15    the system, the government, in providing us with  
16    the necessary needs to continue our way of life  
17    and to continue to provide for not only our  
18    people, but our employees, who we consider not  
19    just employees, but family, because, again, you  
20    know they are the reason for our success and who  
21    we are as a community. We've been able to give  
22    back to not only our people and our employees, but

1 the state overall through the businesses we do  
2 have in Ak-Chin. We've given out financially to a  
3 number of great causes, we've helped the economy  
4 in a number of ways. And, actually, our  
5 businesses here in Ak-Chin, which, again, we  
6 probably have a little over 1,200 employees  
7 combined, and we are the number one employer in  
8 Pinal County here in Arizona.

9 So, again, we respectfully, you know,  
10 request that, you know, we disburse as much as we  
11 can to Tribes all over the United States. We  
12 recommend that at least \$6 billion of the \$8  
13 billion fund be distributed based on economic  
14 factors. We also request that every Tribe receive  
15 a minimum of \$750,000.

16 So, again, we thank you for your time  
17 and your consideration and we hope and pray  
18 everybody can get together and get past this whole  
19 Coronavirus pandemic.

20 Thank you.

21 MR. CRUZ: Thank you, sir. Thanks for  
22 the comments. Operator, next caller.

1 OPERATOR: Thank you. Chairman  
2 Not-Afraid, your line is open. Please state the  
3 Tribe you represent.

4 MR. NOT-AFRAID: Good afternoon,  
5 Chairman Not- Afraid, Crow Tribe. Yeah, some of  
6 the other Tribes there I believe we're all on the  
7 same page. We also recognize that when we come to  
8 this dispute of whether it's land base versus per  
9 capita per Tribe, a lot of times we have  
10 difficulty in all agreeing. So I know I'm  
11 speaking to the choir here, but I just wanted to  
12 express that because there are also other areas  
13 that are not truly identified, meaning we have  
14 other avenues when you talk about the Tribal  
15 enterprises. We also have where there can be some  
16 forbearances removed with that, can assist those  
17 Tribes in those venues. And particularly I  
18 believe the casino part of it seems like they have  
19 some avenues that can be approved, whether it be  
20 White House or IRS or our Treasury. And those  
21 parameters it seems like we always end up bottle  
22 necking into the services of just BIA and IHS.

1           So if you're treating Tribes --  
2     government wise I understand the protocol and  
3     procedures for BIA helping and assisting and also  
4     vetting certain practices, but when you try to  
5     bottle all Tribes' enterprises under this current  
6     system, it's not going to work. And, again, I may  
7     be talking to the choir here, so I would  
8     respectfully request you all as our Trustees to  
9     ensure with your counterparts that we have access  
10    to those funds as well. Because when I do read  
11    some of the criteria, whether SBA or other venues,  
12    we do qualify for those, but then when we start  
13    working with those agencies they come back with  
14    saying, well, apparently Indian Affairs or BIA has  
15    your guys' funds or IHS has your guys' funds when  
16    knowing that there's various avenues that we can  
17    use, but we're being -- they're putting a ceiling  
18    on us not to venture that direction, such as even  
19    USDA.

20           So I believe the sister agencies under  
21    Interior can play a major role in their hierarchy  
22    of things to allow Tribes to access some of those,

1       because, again, some of those also are  
2       intertwining with Tribal functions.  When you talk  
3       about adjacent roles -- example, park service --  
4       they are also closing down due to Covid and we  
5       have members that live on or within the park  
6       service boundaries, as well as the park service  
7       itself being within the co-Tribal boundaries.

8               So there are some nuances for every  
9       Tribe.  And I hate to take other Tribes' time up,  
10      but point being is that we're on board with you,  
11      Ms. Sweeney, 100 percent, but we'd also like to  
12      state there are some obstacles created, such as  
13      offsets, Treasury offsets of the Tribes' past  
14      practices.  And some of this was prior to my  
15      tenure and we did receive some CDC funds and then  
16      those were offset by Treasury.  So how do we  
17      account for that when Treasury will not respond to  
18      those things?  Treasury will not even sit at the  
19      table to discuss whether it's payment plans or  
20      what from 2012, 2010, and yet they're garnishing  
21      these funds that are becoming available to Tribes  
22      for discretionary and/or Covid venues.



1           So I just wanted to express that so  
2     you're on alert. And if you can help in those  
3     areas -- and I'm not trying to sidetrack anything  
4     here, but I believe if we want to be effective in  
5     the accountability of this, where does that put  
6     the Crow Tribe?

7           So I wanted to voice that because we're  
8     not the only Tribe in that position. We recognize  
9     there's at least 100 other Tribes in that same  
10    position, and it's all due to whether it's payroll  
11    taxes or what have you. Even from casinos that  
12    have been shut down in the recent years are in  
13    that position.

14           So knowing going forward, when Covid  
15    funds are being offset by Treasury, who speaks for  
16    us at that level? And we can hire all the  
17    attorneys we want, but we end up getting put on  
18    hold on the automated system for four days  
19    straight and we can't even talk to an individual  
20    to vet that. We send letters, no response.

21           SPEAKER: Okay.

22           MR. NOT-AFRAID: We are hoping to

1 entertain another one here soon, but as people are  
2 insecure with funding, losing jobs, and so forth,  
3 it seems like the bureaucracy right not is  
4 deterring us from even trying to say in the game  
5 with applying for the Covid funds.

6 So I just wanted to voice that. And we  
7 do have a general plan to help in giving our input  
8 as to the allocation part and we would submit that  
9 through Susan Messerly through the Rocky Mountain  
10 Region. So she would also forward to that your  
11 offices. And I believe it will be a great tool  
12 for especially specifically large land base  
13 Tribes.

14 And I believe Vice President from Navajo  
15 is also on that same wavelength as we discuss  
16 other options and things that we'd like to commit  
17 to our services for Covid purposes.

18 MS. SWEENEY: Okay. Thank you,  
19 Chairman. Regarding the other issue, we're happy  
20 to continue to work with you and with the regional  
21 director as well. Your comments on the  
22 allocation, in addition to providing them to Susan

1 Messerly, I would also encourage you to email to  
2 Consultation@BIA.gov so that they're here at MIB  
3 to be reviewed in a timely manner and submitted  
4 for the record.

5 Thank you.

6 MR. NOT-AFRAID: Okay, sure. Thank you.  
7 I appreciate it.

8 MR. CRUZ: Thank you, Chairman.  
9 Operator, next caller.

10 OPERATOR: Thank you. Mark McCarro,  
11 your line is open and please state the Tribe you  
12 represent.

13 MR. MCCARRO: Hello, can you hear me?

14 MR. CRUZ: Yes, Chairman. And you may  
15 have heard my plea for folks who spoke last week,  
16 if we could try to get to Tribal Leaders who  
17 haven't spoken.

18 MR. MCCARRO: I appreciate that  
19 sentiment. We were shooting in the dark last  
20 week. So I'll be as quick as I can, as quick as  
21 possible.

22 MR. CRUZ: Okay.

1           MR. MCCARRO: As you may recall, we have  
2       6,000 employees -- over 6,000 in our various  
3       Tribal enterprises. Like many of you on this  
4       call, the closing of our gaming facility and other  
5       Tribal enterprises has had an immediate and  
6       devastating effect on our Tribal Government  
7       operations. So we also will feel the impact of  
8       Covid-19 for many months, if not years to come.

9           For example, our status as reimbursers.  
10      Like many you, the unemployment benefits paid to  
11      our workforce will require a payment of tens of  
12      millions of dollars. So we understand the need to  
13      get these funds out to Indian Country quickly.  
14      And we want to stress the importance of also  
15      meeting the letter of the law in its intent to  
16      address the economic impact of Covid-19.

17           So in that vein we also support a three  
18      step formula that's been also mentioned on this  
19      call, which begins with \$1 million distribution to  
20      each Tribe, and then a second component that is  
21      the \$1.5 billion distribution based on a Tribe's  
22      population to ensure that the larger Tribes have

1 an additional funding to address their associated  
2 economic needs, and then, really important is the  
3 economic stabilization component, the remaining  
4 \$5.9 billion distributed pro rata based on the  
5 economic impact to a Tribe, based on wages paid.  
6 So the multifactor formula prioritizes the actual  
7 economic impact of Covid-19 and it is the only way  
8 that Treasury Department can remain in compliance  
9 with the black letter the law of the CARES Act and  
10 it achieves its purpose of stabilizing Tribal  
11 economies.

12 I urge you to primarily consider the  
13 letter and the intent of the law and consider the  
14 (inaudible) formula for the distribution of funds.

15 So a question to you, Mr. Kowalski, will  
16 you be providing guidance next week on the formula  
17 and disbursement? We need that information for  
18 our planning purposes as we make decisions, tough  
19 gut wrenching decisions regarding our employees.

20 And I want to echo Poarch Creek's  
21 comment that you cannot wait that long. There are  
22 decisions we are making now and have to make.

1           So I appreciate your response. Thank  
2     you.

3           MR. CRUZ: Thank you, Chairman. Dan?

4           MR. KOWALKSI: Yeah, we are working to  
5     get guidance that provides maximum flexibility to  
6     governments who will benefit from fund proceeds.  
7     We hope to do that next week. Yeah, there's not  
8     more that I can say than that. We're working as  
9     hard as we can to get it done and we appreciate  
10    your difficulty, but I would hope you appreciate  
11    our situation as well.

12          MR. CRUZ: Thank you.

13          MR. MCCARRO: Well, we do. Thanks for  
14    that response.

15          MR. CRUZ: Thank you, Chairman.  
16    Operator?

17          OPERATOR: Thank you. Terri Parton,  
18    your line is open and please state the Tribe you  
19    represent.

20          MR. PARTON: Terri Parton, President for  
21    the Wichita and Affiliated Tribes in Oklahoma.

22                 Our Tribe has about 3,400 Tribal

1 members. And just to try to give you a little  
2 overview of our Tribe, we have our Tribal  
3 Government that has about 100 employees, we have  
4 our Sugar Creek Casino that has a little over 150  
5 employees, our hotel that probably has about 15,  
6 our smoke shop that has 4, our childcare centers  
7 which probably have around 20-30 employees, and  
8 our travel plaza -- I'm not sure how many they  
9 have -- maybe about 15, and then we have our  
10 gaming commission that oversees our surveillance,  
11 so there's probably about 30 employees total  
12 within there.

13           You know, our Tribes in Oklahoma acted  
14 swiftly whenever this started and we shut our  
15 casinos down, we shut our businesses down just out  
16 of concern for our communities and our region.  
17 And we're paying our employees. We didn't want to  
18 leave them struggling with not only saving them  
19 from financial ruin, but making sure that they  
20 have food. The schools shut down, we wanted to  
21 make sure that their kids had food at home and  
22 stuff. And so we continue to pay them.

1           And then also, not only that, but you  
2 know all the mental health issues that's going to  
3 go along with all of this stuff.

4           And so what I want to say, I want to  
5 read you some of our comments and then I've got a  
6 few things just off of today's comments that I  
7 want to say. But the uses of the Coronavirus fund  
8 must include Tribe's fixed cost, which include  
9 payroll costs for the employees of our government  
10 and our Tribal enterprises. If we do not cover  
11 such costs, it could be disastrous, not only but  
12 our Tribes and our members, but our broader  
13 regional economy. Our lost profits from our  
14 Tribal enterprises must also be covered. Each day  
15 the absence of these government revenues puts our  
16 Tribe in a deeper financial hole as we work to  
17 continue to fund necessary government programs for  
18 our citizens and take steps to thwart hiring  
19 impacts of our Covid-19. These costs are now  
20 shared costs with no funding coming in to cover  
21 them. The expense side of our ledger is full and  
22 growing while our revenue side is empty.



1 All of our expenditures for preparing  
2 for and dealing with the Covid-19 pandemic, along  
3 with all of our expenditures thus far that are  
4 being incurred to replace our lost government  
5 revenue due to our Tribal enterprises being closed  
6 because of the Covid-19 pandemic are increased  
7 expenditures in fiscal year 2020 relative to our  
8 expenditures in fiscal year 2019. They are also  
9 all necessary expenditures for protecting and  
10 preserving our Tribal political integrity and  
11 economic security for the health, safety, and  
12 general welfare of our members, employees, and  
13 community during this public health emergency. We  
14 did not account for these expenditures in our  
15 fiscal year 2020 budget. When we were preparing  
16 our budget we had assumed that continuous  
17 operation of our Tribal enterprises and no global  
18 pandemic.

19 These expenditures already spent and the  
20 ones we will make going forward must be covered by  
21 the Coronavirus Relief Fund. They align with the  
22 text of the statute and congressional intent.

1                   Based on the text of Title V of the  
2 CARES Act and Congress' intent with respect to the  
3 \$8 billion set aside for Tribal Governments, our  
4 Tribe asks Treasury and Interior to make clear  
5 that (1) covering a Tribe's fixed costs, including  
6 payroll costs for employees of Tribal enterprises  
7 and the Tribal government and (2) lost profits due  
8 to the closure of Tribal enterprises, which in  
9 turn are lost Tribal Government revenues, are  
10 considered increased expenditures for purpose of  
11 allocation and necessary expenditures for purposes  
12 of use of funds for Title V of the CARES Act.

13                   And we also support the NCAI's comment  
14 regarding payments, including payroll and related  
15 expenses for employees while government or  
16 entities are at a diminished capacity are closed,  
17 expenditures that otherwise would have been funded  
18 but for the loss of revenue, expenditures  
19 associated with the diminished capacity or closure  
20 of government or entities, and differences in  
21 revenues transferred to Tribal Government accounts  
22 in 2020 relative to the same period in 2019.

1           That's just part of our comments that  
2       we're submitting, but then also today, just -- and  
3       these aren't comments to help you to -- to give  
4       you guidance on decisions, but they're comments  
5       for you to think about as you try to distribute  
6       this money.

7           So our Tribe has 3,400 Tribal members.  
8       I heard Chief Hoskin last week from the Cherokee  
9       Nation talk about their casinos and they're -- I  
10      think their payroll was like \$30 million a month  
11      and they have around 380,000 Tribal members. So  
12      even though they're much larger, the impact on our  
13      community is large too. We employ -- we're one of  
14      the bigger employers here in Caddo County, and so  
15      it's a big impact on our county. In Caddo County  
16      we have our Delaware Tribe, the Caddo Tribe, the  
17      Wichita Tribe, the Apache Tribe, the Kiowa Tribe.  
18      We all have casinos here in this county and so all  
19      those casinos have closed and, as far as I know,  
20      us and the Delawares are still paying our  
21      employees. I don't know about the other Tribes.  
22      But that's a big financial impact on Caddo County

1 if we had not continued to pay those salaries.

2 When you talk about trying to -- how  
3 you're going to disburse the money, there's  
4 through the BIA, through the 638 contract or Title  
5 V compacts, I know some other people were talking  
6 about doing it other ways, like directly through  
7 the Treasury and stuff. But you've got to  
8 realize, like right now Oklahoma is predicted to  
9 be in a hot spot within the next few weeks, so  
10 when this money comes down some of your Tribal  
11 Governments may not be able to get together. I  
12 see where President Nez from the Navajo Nation is  
13 quarantined right now. And so, you know, having  
14 government get together and get the resolutions,  
15 get those to banks, and get things set up, they  
16 may not have the ability to do that whenever these  
17 funds come down. And so using a mechanism that's  
18 already in place would be the best way to do that.

19 And they talked about using land base  
20 options. For Oklahoma you have the Wichita,  
21 Caddos, and Delawares, we have to share a land  
22 base. The Comanches, Kiowas, and Apaches share a

1 land base. And so to do it by land base wouldn't  
2 be fair for the ones here in Oklahoma.

3 Also, like I said, I told you all of our  
4 businesses and stuff. So our Tribe has about  
5 3,400 Tribal members and then we have a Tribe  
6 that's up the road that has more Tribal members  
7 than us, but they don't have a casino, they don't  
8 have a hotel, they don't have tax. We also have  
9 sales tax, liquor tax, entertainment tax, gaming  
10 device tax. We're not collecting those taxes now  
11 because our casino is shut down. And so, you  
12 know, to compare the size of Tribes to another,  
13 you know, some aren't as advanced as the others.  
14 So I don't know how you would deal with that.

15 And with that, you also have our Tribe  
16 has a whole lot of contracts and grants. And so  
17 when we have a lot of contracts and grants, we  
18 have more administrative costs and you don't  
19 always collect all the indirect costs of those,  
20 because some of those are capped at 15 percent.  
21 But our administrative capacity is bigger than  
22 some of the other Tribes. And so we have to put

1 more money into that to keep that going for the  
2 people like our Tribal administrator, HR,  
3 maintenance, and different things like that. And  
4 so you've got to take those things into account  
5 too because we have to supplement more money into  
6 those.

7           Saying that from that side, the other  
8 Tribe that's up the road, even though they don't  
9 have all of that stuff, they have more members,  
10 well their members need just as -- I mean their  
11 members need things just as much as our members  
12 do. And so I want to advocate both sides. But  
13 just to let you know that those are things that  
14 you need to take into consideration.

15           MR. CRUZ: Thank you, President.

16           MS. PARTON: One more thing. And then  
17 future costs. You know, we're going to get this  
18 on April 24, or somewhere in there, and so we're  
19 going to get this money and it's going to help  
20 take care of things we've already spent, but we  
21 also need to think about we're going to have  
22 elders at home that aren't going to be able to get

1 out still because this thing is going to linger  
2 for a while. So there's things like elder care.  
3 Public health -- you know, if this thing comes  
4 back around -- if it dies down a little bit, comes  
5 back around, we have to be able to be prepared to  
6 deal with that. So being able to use that funding  
7 for emergency management and public health, we'll  
8 need to take care of that too.

9 Anyway, those are just things I wanted  
10 to --

11 MR. CRUZ: Yeah, thank you, President  
12 Parton. Thank you very much. Appreciate the  
13 comments.

14 MS. PARTON: Okay.

15 MR. CRUZ: Operator?

16 OPERATOR: Thank you. Tom Robinson,  
17 your line is open and please state the Tribe you  
18 represent.

19 MR. ROBINSON: Hi, this is Tom Robinson.  
20 I am the Qawalangin Tribal President of Unalaska  
21 Dutch Harbor. Thank you for taking my call.

22 Madam Secretary, Secretary Cruz, I

1 appreciate you holding this conference and prayers  
2 go to First Nations in Indian Country throughout  
3 this Nation. We pray for an expeditious result  
4 for this allocation of funding. If you heard --

5 MR. CRUZ: Mr. Robison, since you went  
6 last week, sir, I'm going to ask that you dispense  
7 and we go to the next Tribal Leader since we heard  
8 from you last week.

9 MR. ROBINSON: Yeah, there is an  
10 important topic that I have to bring up, and it  
11 has to do with the dynamic of funding in Alaska if  
12 you're represented by a consortium.

13 Our Council took the initiative to fund  
14 a rapid testing machine for our Island where the  
15 consortiums did not. So I just want to magnify  
16 that, sir.

17 And also I do have -- we did rescind  
18 from our consortium over the weekend and it is  
19 because we're under represented at a regional  
20 basis. And we are fighting for just basic  
21 infrastructure, a medical facility run by a  
22 provider, not a health aide.



1           So I just want to put that out there.

2       Thank you.

3           MR. CRUZ: Thank you, sir. We have the  
4       preeminent Alaska expert as the Assistant  
5       Secretary for Indian Affairs, so that is an issue  
6       we are looking at closely.

7           Operator, next caller.

8           OPERATOR: Thank you. Chairman Rodney  
9       Cawston your line and please state the Tribe you  
10      represent.

11          MR. CRUZ: Chairman?

12          MR. CAWSTON: Hello. This is Rodney  
13      Cawston. I'm the Chairman for the Colville  
14      Confederated Tribes. And I just want to thank you  
15      for this opportunity.

16          MR. CRUZ: Absolutely.

17          MR. CAWSTON: I'm the Chairman of 12  
18      Confederated Tribes on the Colville Indian  
19      Reservation. The Colville Federated Tribes is one  
20      of the largest Tribes in the Pacific Northwest.  
21      Our reservation land base is 1.4 million acres and  
22      we have an enrollment of approximately 10,000

1 Tribal members. The original homelands of our 12  
2 Tribes extend from central Oregon State far up  
3 into British Columbia in Canada. The Colville  
4 Federated Tribes is the largest employer in both  
5 Okonagen and Ferry Counties in Washington State,  
6 which are also two of the most economically  
7 depressed counties in this state with some of the  
8 highest unemployment rates.

9 The Colville Confederated Tribes ask  
10 that the distribution of the \$8 billion  
11 appropriated through the CARES Act uses a  
12 distribution methodology similar to Public Law 93-  
13 638 through contracts and self-governance  
14 compacts.

15 These funds should allow the maximum  
16 flexibility to Tribes in its expenditures. Each  
17 Tribe is unique and the needs of each Tribe  
18 addressing the Coronavirus are unique. The Tribes  
19 are familiar with the Public Law 93-638 process,  
20 including adhering to the Single Audit Act. These  
21 funds need to be included in the Tribe's single  
22 audit and any findings or questioned costs could

1 be resolved by the Bureau of Indian Affairs. The  
2 BIA already has this relationship with Tribal  
3 Governments.

4 If contract support costs are to be  
5 considered, this distribution should be considered  
6 in the next stimulus legislation and not in the  
7 present CARES Act funding package. This would  
8 allow the maximum distribution of funding of the  
9 CARES Act to be made to Tribes immediately.

10 We would not recommend a distribution  
11 plan that requires data calls based on revenue,  
12 number of employees, or number of employees laid  
13 off. Such data calls can take a considerable  
14 amount of time and could be challenged. This  
15 would further delay the United States from quickly  
16 distributing these funds and the immediate need is  
17 great. The Coronavirus is beginning to spread to  
18 Tribal Reservations and funding is needed to slow  
19 down or prevent the progress of this disease as  
20 much as possible and as soon as possible.

21 If the loss of gaming revenue is to be  
22 considered, it also needs to be noted that the

1 highest realized revenue is primarily with a small  
2 number of Tribes and in a few states. Many Tribes  
3 do not have gaming operations or have moderate  
4 operations. Many Tribes do not pay out large  
5 distributions to individual Tribal members. Also,  
6 large gaming Tribes are typically within or next  
7 to major metropolitan areas where other resources  
8 exist to these Tribes.

9 Finally, Tribes who receive significant  
10 gaming revenues will most likely rebound much more  
11 quickly from this economic crisis than Tribes that  
12 don't have large gaming revenues.

13 We will also submit written comments as  
14 well. And I just wanted to make it short, sweet,  
15 and succinct. And thank you for allowing me to  
16 make this comment.

17 MR. CRUZ: Thank you, Chairman. Really  
18 appreciate it and I look forward to getting back  
19 out to the Omak Stampede soon. (Laughter)

20 Operator, next call.

21 MR. CAWSTON: All right. We'll send you  
22 over the hill. We'll have a horse ready.

1 MR. CRUZ: All right, Operator.

2 OPERATOR: Gary Batton, your line is  
3 open. Please state the Tribe you represent.

4 MR. BATTON: Gary Batton with the  
5 Choctaw Nation of Oklahoma; I'm the Chief. And  
6 just want to say (speaking native language) or  
7 thank you for your time today.

8 We wanted to make sure you understood we  
9 think the methodology should be based according to  
10 employees or Tribal citizenship to have the  
11 greatest economic impact. We are the number one  
12 employer here in Southeastern Oklahoma. We have  
13 approximately 10,000 employees at a cost of  
14 \$600,000 per day, and we cover 10 1/2 counties  
15 about the size of the State of Vermont, and we  
16 have about a \$2.2 billion economic impact.

17 The other thing we would like to  
18 recommend is that you do the ASAP or direct  
19 deposit to expedite funding out to the Tribes.

20 The other question I have, and I know  
21 that -- was when will a decision be made in  
22 regards to this funding methodology?

1 MR. CRUZ: We'll continue to work as  
2 expeditiously as possible, sir.

3 Dan, do you have anything to add?

4 MR. KOWALSKI: No. I mean it needs to  
5 be done next week, right?

6 MR. CRUZ: Yeah. So we won't be --  
7 there won't be any surprises. Appreciate it,  
8 Chief Batton. Appreciate your leadership and all  
9 you do.

10 MR. BATTON: Okay.

11 MR. CRUZ: Operator, next caller.

12 OPERATOR: Thank you. Cathy Chavers,  
13 your line is open and please state the Tribe you  
14 represent.

15 MS. CHAVERS: (Speaking native language)  
16 This is Cathy Chavers, Boise Forte Band of  
17 Chippewa, but also President of the Minnesota  
18 Chippewa Tribe.

19 I want to say thank you to my sister,  
20 Melanie Benjamin from Mille Lacs Minnesota here  
21 regarding the Minnesota Chippewa Tribe.

22 And I'm glad to you received the letter

1 with regards to our concerns over the six bands  
2 being represented at individual bands.

3 I also want to say our thoughts and  
4 prayers are with you all, the Tribes and your  
5 people, and appreciate our Federal partners in  
6 talking with us today regarding this important  
7 decision.

8 One thing that -- we will be sending our  
9 letter with our written comments, so I'll make it  
10 short because I know we're running out of time.  
11 If there is a direct payment from the Treasury to  
12 the Tribes and also through BIA, we're wondering  
13 about the clearance with the portals. Sometimes  
14 it can be difficult with that. We're also looking  
15 for flexibility in reporting and in the use of the  
16 funds because we are unique as Tribes and it is  
17 difficult to try to fit into a specific criteria  
18 when it doesn't really pertain to us.

19 We also want to say that we will look at  
20 a base and possible -- I liked what Michigan was  
21 saying with the \$1 million base, \$1.5 billion, and  
22 then going on with that. We'll put that in our

1 letter thought.

2 So I'll make it short and sweet. And we  
3 just want to say to everybody to please stay safe  
4 and we are sending our prayers to all of you.

5 (Speaking native language)

6 MR. CRUZ: Thank you. Operator, next  
7 caller.

8 OPERATOR: Thank you. Chief William  
9 Nicholas your line is open. Please state the  
10 Tribe you represent.

11 MR. NICHOLAS: Yes, this is Chief  
12 William Nicholas, Passamaquoddy Tribe, Indian  
13 Township Reservation in Maine.

14 I've been on a while, so thank you,  
15 Assistant Secretary Sweeney and Treasury  
16 Secretary.

17 I wish there was an easy way for  
18 equality to be decided for all Tribes across the  
19 Nation. I would like to express the deep concerns  
20 for smaller Tribes and the extreme need for Native  
21 people in rural and remote areas. Most have  
22 limited resources with little or no economic



1 development and are in states where Tribes are  
2 still treated like wards of the state. For that  
3 reason, we ask that funding related to Tribes be  
4 direct to the Tribes and not pass through states  
5 to meet our needs.

6 Health disparities are high among many  
7 Tribes. Life expectancy of the Passamaquoddy  
8 people here in Maine is 58 years old with a mean  
9 household income of \$16,250 in Washington County.  
10 Thirty-three percent of our people are living in  
11 poverty. Direct funding needs to be prioritized  
12 for Tribal Governments in order to support the  
13 administrative costs that are not budgeted for  
14 Covid-19 in a yearly fiscal manner. No one could  
15 have expected that we would be budgeting across  
16 this Nation for what the impacts are and will be.  
17 Sewer, water, infrastructure costs are being  
18 pushed to their limits. Without steady business  
19 income, Tribal Governments cannot provide  
20 resources to our people as we normally would.

21 The need is higher. The need to cap on  
22 disbursements to Tribes across the nation is

1 necessary. We do not support a formula and have  
2 the same needs as every Tribe across the Nation.  
3 It needs to be equitable for all fighting this  
4 pandemic. There is no way to determine who will  
5 get hit with this virus before or worse than other  
6 Tribes. One death in a Tribal community is a loss  
7 of culture, history, language, traditions, and  
8 teaching. How much is enough?

9           The Passamaquoddy Tribe in Maine, we're  
10 a national resource based Tribe and we'll survive  
11 this pandemic, just like we have many other  
12 diseases that have affected our people. Currently  
13 there are nonprofits that have received funding  
14 due to Covid-19 before Tribes across the Nation  
15 have seen a penny to support our communities. Our  
16 people, our utmost, our number one priority to  
17 protect our elders and our youth. Law  
18 enforcement, health, EMS, frontline personnel are  
19 fighting the virus daily, but yet we do not  
20 provide the protection they need or compensation  
21 because we are waiting for something to happen.

22           All Tribes are different due to

1 locations and economic development statuses are  
2 different for everybody. But at the end of the  
3 day, we fight the same battles across the Nation  
4 in representation of our people. Covid-19 will  
5 kill native people regardless of their political  
6 or social status. I hope funding reaches the  
7 Tribes before it continues to place Tribes against  
8 Tribes further and we can place our focus on  
9 continued support for our communities, employees,  
10 elders, and youth. We all have a need. The needs  
11 have been the same. They've been the same right  
12 up until Covid-19 hit when there was an emergency.

13 So out of all due respect I ask  
14 Secretary Sweeny, that DOI needs to recognize the  
15 yearly shortfalls of funding at BIA levels and IHS  
16 levels. BIA is about 50 percent below the needs  
17 and IHS is about 40 percent below needed funding  
18 levels on a yearly basis. A look at these not  
19 just during an emergency is needed.

20 For all the Tribes out there, we pray  
21 that the losses aren't huge and that you're able  
22 to provide for your elders, your youth, your

1 community, your employees, regardless of your  
2 economic status, your social status, political  
3 status. And when one native person dies across  
4 this Nation or any Leaders, any elders or youth,  
5 it affects us all. We're small. May seem large  
6 right now, but we're small nationally. You live  
7 through a lot of things, small pox, other  
8 diseases, pandemic in 1918, we'll live through  
9 this. It's all about how we react and what we  
10 pass on next to our communities and our future  
11 leaders.

12 MR. CRUZ: Thank you, Chief Nicholas.  
13 Thank you.

14 MR. NICHOLAS: I hope that there's some  
15 equality in how the decisions get made. These are  
16 tough decisions. But we all have needs and all  
17 the smaller Tribes are no different than the  
18 bigger Tribes. The needs may even be higher,  
19 depending on economic status.

20 Thank you.

21 MR. CRUZ: Thank you, Chief. Operator,  
22 at this time can you please mute all line?

1           And, Dan, we'll defer to you to provide  
2 any closing statement you may have.

3           MR. KOWALSKI: No, again, I thank  
4 everybody for their time and their comments. And,  
5 you know, hearing these views is important. We do  
6 have big decisions to be made and we do want it to  
7 be fair and make sure that needs are met. And we  
8 will continue to work with BIA and Treasury to be  
9 able to determine what seems the best we can do  
10 given all the various input we have had.

11           So thank you.

12           MS. SWEENEY: Thank you, Dan. This is  
13 Assistant Secretary Sweeney.

14           I want to convey my appreciation to all  
15 those who participated on the call today. For  
16 those who were unable to provide verbal comments  
17 through this Consultation, I strongly encourage  
18 you to continue to participate in this process by  
19 submitting your comments to Consultation@BIA.gov  
20 or Tribal.Consult@Treasury.gov. We are looking at  
21 the comments as they come in and within Indian  
22 Affairs those comments are shared among our

1 leadership team at Indian Affairs and within the  
2 Department. Also we are sharing the comments that  
3 come in through our dedicated email box with  
4 Treasury as well.

5 And I know that there are a lot of  
6 people who are working to provide comments, to  
7 come up with solutions, and to be a part of this  
8 process. And I really do appreciate the effort,  
9 the comments that folks are submitting, the  
10 sentiments, and I want you to know that we are  
11 dedicated and committed to carrying this out with  
12 Treasury and to provide them with the voice of  
13 Indian Country throughout this process and the  
14 perspective of Alaskan Native communities.

15 So, with that, I wish you all I would  
16 say safety and good health. Be well.

17 Thank you.

18 (Whereupon, at 4:01 p.m., the  
19 PROCEEDINGS were adjourned.)

20 \* \* \* \* \*

21

22

IC DISTRICT OF COLUMBIA

C

I, Steven K. Garland, notary public in

E

and for the District of Columbia, do hereby

R

certify that the forgoing PROCEEDING was

T

duly recorded and thereafter reduced to

I

print under my direction; that the

F

witnesses were sworn to tell the truth

I

under penalty of perjury; that said

C

transcript is a true record of the testimony

A

given by witnesses; that I am neither

T

counsel for, related to, nor employed by

E

any of the parties to the action in which

this proceeding was called; and,

O

furthermore, that I am not a relative or

F

employee of any attorney or counsel

employed by the parties

N

hereto, nor financially or otherwise interested

O

in the outcome of this action.

T

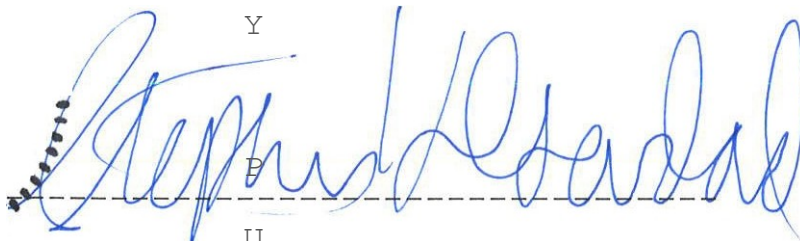
**Notary Public, in and for the District of Columbia**

A

**My Commission Expires: May 31, 2024**

R

Y



U

B

L